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No. 46] NEW DELHI, NOVEMBER 7—NOVEMBER 13, 2010, SATURDAY/KARTIKA 16—KARTIKA 22, 1932

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(पेंशन एवं पेंशनभोगी कल्याण विभाग)

नई दिल्ली, 9 नवम्बर, 2010

का. आ. 2806. राष्ट्रपति संविधान के अनुच्छेद 148 के खंड (5) के साथ पठित अनुच्छेद 309 के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय लेखा परीक्षा और लेखा विभाग में सेवा कर रहे व्यक्तियों के संबंध में नियंत्रक और महालेखा परीक्षक से परामर्श करने के पश्चात् केन्द्रीय सिविल सेवा (पेंशन संराशीकरण) नियम, 1981 का और संशोधन करने के लिए निर्मालिखित नियम बनाती हैं, अर्थात्:

1. (1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा (पेंशन संराशीकरण) नियम, 2010 है।

(2) ये 2 सितम्बर, 2008 से प्रवृत्त हुए समझे जाएंगे और इन नियमों से संलग्न पेंशन के लिए संराशीकृत मूल्य की पुनरीक्षित सारणी, पेंशन के सभी संराशीकरण के लिए प्रयोग की जाएगी जो 2 सितम्बर, 2008 से पूर्ण होती है तथा ऐसे पेंशनभोगियों की दशा में, जिनकी पेंशन का संराशीकरण, 1 जनवरी 2006 को या उसके पश्चात्, किन्तु 2 सितम्बर, 2008 से पूर्व, पूर्ण हो चुका है, पेंशन के लिए संराशीकृत मूल्य की पूर्व पुनरीक्षित सारणी, पूर्व पुनरीक्षित वेतन या पेंशन पर आधारित पेंशन के संराशीकरण के संदाय के लिए प्रयोग की जाएगी और ऐसे पेंशनभोगियों के संबंध में, इन नियमों से संलग्न पेंशन के लिए संराशीकृत मूल्य की पुनरीक्षित सारणी, पेंशन की ऐसी अतिरिक्त राशि के संराशीकरण के लिए जो वेतन और पेंशन के भूतवक्षी पुनरीक्षण के कारण संराशीकृत हुई है, प्रयोग की जाएगी।

2. केन्द्रीय सिविल सेवा (पेंशन संराशीकरण) नियम, 1981 में:—

(1) नियम 3 के, उपनियम (1) के खंड (घ) के स्थान पर निर्मालिखित खंड रखा जाएगा, अर्थात्:

“(घ) “सेवानिवृत्त उपदान से केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के नियम 50 के उपनियम (1) के अधीन संदेय उपदान अभिप्रेत है।”;

(2) नियम 5 के उपनियम (3) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात् :--

"(3) यदि संराशीकृत की जाने वाली पेंशन की प्रतिशतता रुपए के किसी भाग में आती है तो संराशीकरण के प्रयोजन के लिए रुपए के ऐसे भाग को छोड़ दिया जाएगा।";

(3) नियम 6 के उपनियम (2) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात् :--

"(2) नियम 9 या नियम 10 में निर्दिष्ट किसी आवेदक की दशा में, जहां संराशीकृत मूल्य का संदाय दो या अधिक प्रक्रमों में किया जाता है पेंशन की रकम में कमी उपनियम (1) के परंतुक के खंड (क) या खंड (ख) में यथा अधिकथित संदाय की क्रमिक तारीखों से की जाएगी।"

(4) नियम 9 के उपनियम (3) के (क) खंड (1) और खंड (ii) में "दो हजार" शब्दों के स्थान पर, जहां जहां वे आते हैं, क्रमशः "छह हजार" शब्द रखे जाएंगे; और (ख) खंड (i) में "भाग" शब्द के स्थान पर "प्रतिशतता" शब्द रखा जाएगा;

(5) नियम 10 में, (क) "भाग" शब्द के स्थान पर "प्रतिशतता" शब्द रखा जाएगा; (ख) "दो हजार" शब्दों के स्थान पर, जहां जहां वे आते हैं, "छह हजार" शब्द रखे जाएंगे;

(6) नियम 10 के परंतुक निम्नलिखित नियम रखा जाएगा, अर्थात् :--

"(10क) यदि संराशीकृत पेंशन का प्रत्यावर्तन-पेंशन की संराशीकृत राशि का, नियम 6 के अनुसार संराशीकरण के प्रवृत्त होने के कारण पेंशन क्रम चलने की तारीख से पंद्रह वर्ष पूर्ण होने पर प्रत्यावर्तन किया जाएगा।

परंतु जब संराशीकृत राशि को पेंशन का ऊपर पुनरीक्षण के कारण एक बार से अधिक संदत्त किया गया था तो पेंशन की क्रमशः संराशीकृत राशि, संबंधित तारीख (जारीख) से पंद्रह वर्ष पूर्ण होने पर प्रत्यावर्तन किया जाएगा।";

(7) नियम 12 के खंड (ii) में "मृत्यु तथा" शब्दों का लोप किया जाएगा;

(8) नियम 22 के उपनियम (1) के खंड (ख) में "दो हजार" शब्दों के स्थान पर "छह हजार" शब्द रखे जाएंगे;

(9) नियम 31 में,—(i) "एक सौ" शब्दों के स्थान पर, जहां जहां वे आते हैं, "छह हजार", शब्द रखे जाएंगे; (ii) "भाग" शब्द के स्थान पर, जहां जहां वे आते हैं, "प्रतिशतता" शब्द रखे जाएंगे;

(10) नियम 32 में, "कार्मिक और प्रशासनिक सुधार विभाग" शब्दों के स्थान पर, "पेंशन और पेंशनभोगी कल्याण विभाग" शब्द रखे जाएंगे;

(11) नियम 33 में "कार्मिक और प्रशासनिक सुधार विभाग" शब्दों के स्थान पर, "पेंशन और पेंशनभोगी कल्याण विभाग" शब्द रखे जाएंगे;

(12) नियम 3, नियम 4, नियम 11, नियम 12, नियम 13, नियम 14, नियम 15, नियम 16, नियम 17, नियम 18, नियम 19, नियम 26 और नियम 27 में "भाग" शब्द के स्थान पर, जहां जहां वे आते हैं, "प्रतिशतता" शब्द रखे जाएंगे;

(13) इन नियमों से उपाबद्ध सारणी के स्थान पर निम्नलिखित सारणी रखी जाएगी, अर्थात् :--

सारणी

"एक रुपया वार्षिक पेंशन के लिए संराशीकृत मूल्य

1 जनवरी, 2006 से प्रभावी

[नियम 3 (1) (ड), 8, 26 (7), 28 (5) और 29 (1) तथा 29 (2) देखिए।]

जन्म की अगली तारीख पर आयु	वर्ष-क्रय की संख्या के रूप में अभिव्यक्त संराशीकृत मूल्य	जन्म की अगली तारीख पर आयु	वर्ष-क्रय की संख्या के रूप में अभिव्यक्त संराशीकृत मूल्य	जन्म की अगली तारीख पर आयु	वर्ष-क्रय की संख्या के रूप में अभिव्यक्त संराशीकृत मूल्य
1	2	3	4	5	6
20	9.188	41	9.075	62	8.093
21	9.187	42	9.059	63	7.982

1	2	3	4	5	6
22	9.186	43	9.040	64	7.862
23	9.185	44	9.019	65	7.731
24	9.184	45	8.996	66	7.591
25	9.183	46	8.971	67	7.431
26	9.182	47	8.943	68	7.262
27	9.180	48	8.913	69	7.083
28	9.178	49	8.881	70	6.897
29	9.176	50	8.846	71	6.703
30	9.173	51	8.808	72	6.502
31	9.169	52	8.768	73	6.296
32	9.164	53	8.724	74	6.085
33	9.159	54	8.678	75	5.872
34	9.152	55	8.627	76	5.657
35	9.145	56	8.572	77	5.443
36	9.136	57	8.512	78	5.229
37	9.126	58	8.446	79	5.018
38	9.116	59	8.371	80	4.812
39	9.103	60	8.287	81	4.611
40	9.090	61	8.194		

स्पष्टीकरण ज्ञापन

छठवें केन्द्रीय वेतन आयोग की सिफारिशों के क्रियान्वयन के कारण, प्रस्तावित संशोधनों को, उस तारीख से, जिसको छठवें केन्द्रीय वेतन आयोग की सिफारिशें कार्यान्वित की गई थीं, भूतलक्षी प्रभाव देना आवश्यक हो गया है। यह प्रमाणित किया जाता है कि प्रस्तावित संशोधनों को भूतलक्षी प्रभाव देने से किसी व्यक्ति के हित पर कोई प्रतिकूल प्रभाव नहीं पड़ता है।

टिप्पण : केन्द्रीय सिविल सेवा (पेंशन संशोधन) संशोधन नियम, 1981 को अधिसूचना संख्यांक 34/1/81 पेंशन यूनिट तारीख 8 जुलाई, 1983 द्वारा यथा संशोधित का.आ. 1134 तारीख 11 अप्रैल, 1981 द्वारा प्रकाशित किया गया था तत्पश्चात् पेंशन और पेंशनभोगी कल्याण विभाग की निम्नलिखित अधिसूचनाओं द्वारा संशोधित किया गया था :-

क्रम संख्या	अधिसूचना संख्या	तारीख
1.	का.आ. सं. 1870	04-05-1985
2.	का.आ. सं. 2097	18-05-1985
3.	का.आ. सं. 1775	19-07-1997
4.	का.आ. सं. 918	28-02-2002
5.	का.आ. सं. 1484(अ)	30-12-2003

MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS**(Department of Pension And Pensioners Welfare)**

New Delhi, the 9th November, 2010

S. O. 2806.—In exercise of the powers conferred by the proviso to article 309 read with clause (5) of article 118 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Commutation of Pension) Rules, 1981, namely :—

1. (1) These rules may be called the Central Civil Services (Commutation of Pension) Amendment Rules, 2010.

(2) They shall be deemed to have come into force with effect from the 2nd September, 2008 and the revised Table of Commutation Value for Pension, appended to these rules shall be used for all commutation of pension which becomes absolute from the 2nd September 2008 and in the case of pensioners whose commutation pension became absolute on or after 1st January, 2006 but before 2nd September, 2008, the pre revised Table of Commutation Value for Pension shall be used for payment of commutation of pension based on pre revised pay or pension and in respect of such pensioners, the revised Table of Commutation Value for Pension, appended to these rules shall be used for the commutation of additional amount of pension that has become commutable on account of retrospective revision of pay and pension.

2. In the Central Civil Services (Commutation of Pension) Rules, 1981

(1) in rule 3, sub-rule (1), for clause (d), the following clause shall be substituted, namely :

“(d) “Retirement gratuity” means the gratuity payable under sub-rule (1) of rule 50 of the CCS (Pension) rules, 1972.”;

(2) in rule 5, for sub-rule (3), the following sub-rule shall be substituted, namely :

“(3) If the percentage of pension to be commuted results in fraction of rupee, such fraction shall be ignored for the purpose of commutation.”;

(3) in rule 6, for sub-rule (2), the following sub-rule shall be substituted, namely :

“(2) In the case of an applicant referred to in rule 9 or rule 10 the commuted value is paid in two or more stages, the reduction in the amount of pension shall be made from the respective dates of the payments as laid down in clause (a) or clause (b) of the proviso to sub-rule (1).”;

(4) in rule 9, in sub-rule (3), (a) in clauses (i) and (ii), for the words “two thousand”, wherever they occur, the words “six thousand” shall respectively be substituted; and (b) in clause (i), for the word “fraction” the word “percentage” shall be substituted;

(5) in rule 10, (a) for the word “fraction” the word “percentage” shall be substituted; (b) for the words “two thousand”, wherever they occur, the words “six thousand” shall be substituted;

(6) after rule 10, the following rule shall be substituted, namely :

“10A. Restoration of commuted pension. - The commuted amount of the pension shall be restored on completion of fifteen years from the date the reduction of pension on account of commutation becomes operative in accordance with rule 6 :

Provided that when the commutation amount was paid on more than one occasion on account of upward revision of pension, the respective commuted amount of the pension shall be restored on completion of fifteen years from the respective date(s).”;

(7) in rule 12, in clause (iii), the words "death-cum-" shall be omitted;

(8) in rule 22, in sub rule (1), in clause (b), for the words "two thousand", the words "six thousand" shall be substituted;

(9) in rule 31, (i) for the words "one hundred", wherever they occur, the words "six thousand" shall be substituted; (ii) for the word "fraction" wherever it occurs, the word "percentage" shall be substituted;

(10) in rule 32, for the words "Department of Personnel and Administrative Reforms", the words "Department of Pension and Pensioners Welfare" shall be substituted;

(11) in rule 33, for the words "Department of Personnel and Administrative Reforms", the words "Department of Pension and Pensioners Welfare" shall be substituted;

(12) in rules, 3, 4, 11, 12, 13, 14, 15, 16, 17, 18, 19, 26 and 27 for the words "fraction" wherever it occurs, the word "percentage" shall respectively be substituted;

(13) for the table appended to these rules, the following table shall be substituted namely :

TABLE

"Commutation Values For A Pension of Rs. 1 Per Annum
Effective from 1st January, 2006

[see rules 3(1) (m) 8, 26 (7), 28 (5) and 29 (1) and 29 (2)]

Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase
20	9.188	41	9.075	62	8.093
21	9.187	42	9.059	63	7.982
22	9.186	43	9.040	64	7.862
23	9.185	44	9.019	65	7.731
24	9.184	45	8.996	66	7.591
25	9.183	46	8.971	67	7.431
26	9.182	47	8.943	68	7.262
27	9.180	48	8.913	69	7.083
28	9.178	49	8.881	70	6.897
29	9.176	50	8.846	71	6.703
30	9.173	51	8.808	72	6.502
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32	9.164	53	8.724	74	6.085
33	9.159	54	8.678	75	5.872
34	9.152	55	8.627	76	5.657
35	9.145	56	8.572	77	5.443
36	9.136	57	8.512	78	5.229
37	9.126	58	8.446	79	5.018
38	9.116	59	8.371	80	4.812
39	9.103	60	8.287	81	4.611
40	9.090	61	8.194		

EXPLANATORY MEMORANDUM

Due to implementation of the recommendations of the sixth Central Pay Commission, it has become necessary to give retrospective effect to the proposed amendments from the date from which the recommendations of the Sixth Central Pay Commission were given effect to. It is certified that the interest of no person is adversely affected by giving retrospective effect to the proposed amendments.

Note : The Central Civil Services (Commutation of Pension) Amendment Rules, 1981 were published vide S. O. 1154 dated 11th April, 1981 as amended by notification No. 34/1/81 Pension Unit dated the 8th July, 1983 and were subsequently amended vide Department of Pension and Pensioners' Welfare Notification as given below:

S. No.	Notification No.	Date
1	S. O. No. 1870	04-05-1985
2	S. O. No. 2097	18-05-1985
3	S. O. No. 1775	19-07-1997
4	S. O. No. 918	28-02-2002
5	S. O. No. 1484(E)	30-12-2003

[F. No. 42-23-10-P&PW(G)]

RAJ SINGH, Jt. Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 4 नवम्बर, 2010

का. आ. 2807. भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 20 की उपधारा (3) के साथ संलग्न धारा 19 के खण्ड (भाख) और भारतीय स्टेट बैंक (कर्मचारी निदेशकों की नियुक्ति) नियमावली, 1974 के नियम 4 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार, भारतीय स्टेट बैंक में परामर्श करने के पश्चात्, एतद्वारा, श्री जी.डी. नडाफ (जन्म तिथि 01-06-1952), उप प्रबंधक, स्थानीय प्रधान कार्यालय, बंगलूर का अधिमूचना की तिथि से तीन वर्षों की अवधि के लिए अथवा भारतीय स्टेट बैंक के अधिमर्श बन करने तक अवधि अगले आदेशों तक, जो भी सबसे पहले हो, भारतीय स्टेट बैंक के केन्द्रीय निदेशक मंडल में अधिकारी कर्मचारी निदेशक के रूप में नामित करता है।

[फ.सं. 8-3-2008-बीआर 1]

सुमीता दावरा, निदेशक

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 4th November, 2010

S. O. 2807. In exercise of the powers conferred by clause (cb) of Section 19 read with sub-section (3) of Section 20 of The State Bank of India Act, 1955 (23 of 1955) and rule 4 of The State Bank of India (Appointment of Employee Directors) Rules, 1974, the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri G.D. Nadaf (DoB : 01-06-1952), Deputy Manager, Local Head Office, Bangalore as Officer/Employee Director on the Central Board of Directors of State Bank of India for a period of three years from the date of his notification or until he ceases to be an officer of the State Bank of India or until further orders, whichever is the earliest.

[F. No. 8-3-2008-BOF]

SUMITADAWRA, Director

मुख्य आयकर आयुक्त का कार्यालय

जयपुर, 10 नवम्बर, 2010

सं. 17/2010-11

का. आ. 2808.— आयकर नियम, 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43वां) की धारा 10 के खण्ड (23 सी) की उपधारा (vi) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा निर्धारण वर्ष 2010-11 एवं आगे के लिए कथित धारा के उद्देश्य से “चौधरी चरण सिंह मेडिकल शिक्षण प्रशिक्षण संस्थान, अलवर” को स्वीकृति देते हैं बशर्ते कि समिति आयकर नियम 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उपखण्ड (23सी) की उपधारा (vi) के प्रावधानों के अनुरूप कार्य करे।

[क्रमांक : मुआआ/अआआ/(मु.)/जय/10(23सी) (vi)/2010-11/2844]

मुकेश भान्ती, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX

Jaipur, the 10th November, 2010

No. 17/2010-11

S. O. 2808.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves “Choudhary Charan Singh Medical Shikshan Prashikshan Sansthan, Alwar” for the purpose of said section for the A. Y. 2010-11 & onwards.

Provided that the society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 read with rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/JPR/Addl. CIT (Hqrs.)/10(23C)(vi)/2010-11/2844]

MUKESH BHANTI, Chief Commissioner of Income-tax

विदेश मंत्रालय

(सीपीवी प्रभाग)

नई दिल्ली, 1 नवम्बर, 2010

का. आ. 2809.—राजनयिक और कौंसलीय ऑफिसर (रापथ और फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में, केंद्र सरकार एतद्वारा श्री रघुवीर सिंह, वैयक्तिक सहायक को 01-11-2010 से भारत के प्रधान कौंसलावास, ह्यूस्टन (यू.एस.ए.) में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330-01/2006]

आर. के. पेरिन्डिया, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. Division)

New Delhi, the 1st November, 2010

S. O. 2809.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri Raghuvir Singh, Personal Assistant in the Consulate General of India, Houston to perform the duties of Assistant Consular Officers with effect from 01st November, 2010.

[No. T/4330-01/2006]

R. K. PERINDIA, Under Secy. (Consular)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

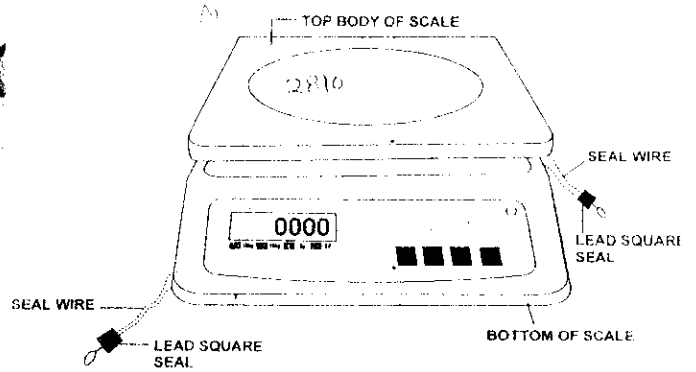
(उपभोक्ता मामले विभाग)

नई दिल्ली, 16 सितम्बर, 2010

का.आ. 2810.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स किनाल स्केल मैन्युफैक्चरिंग वर्क्स, 9, देवस्य, बंगला, निकॉल निराला रोड, मनोहरविला के सामने, निकॉल, अहमदाबाद 382330 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “केएसटी-3” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “किनाल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/470 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान का योजनाबद्ध डायग्राम

स्केल के बाटम और टॉप बाडी में से सीलिंग वायर निकाल कर, स्केल के सामने, दायीं और बायीं तरफ बने छंदों में सीलिंग की जाती है। कपटपूर्ण व्यवहार से वेंडिंग मशीन को खोले जाने से रोकने के लिए सीलिंग किया गया है। मॉडल को सीलबंद करने के शक्यता का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में कॅलिब्रेशन के लिए बाहरी पहुंच है। बाहरी कॅलिब्रेशन तक पहुंच को रोकने के लिए एंडी कार्ड मध्य बाई में डिप्लॉय भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करता है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से निर्मित उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 5000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू.एम. 21 (268) (2009)]

बी. एन. दीक्षित, निदेशक, विधिक माप विभाग

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 16th September, 2010

S.O. 2810.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "KST-3" and with brand name "KINAL" (hereinafter referred to as the said model), manufactured by M/s. Kinal Scale Manufacturing Works, 9, Devasya, Bungalow, Nicol Nirala Road, Opp. Manohervilla, Nicol, Ahmedabad-382330 Gujarat which is assigned the approval mark IND/09/09/470.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

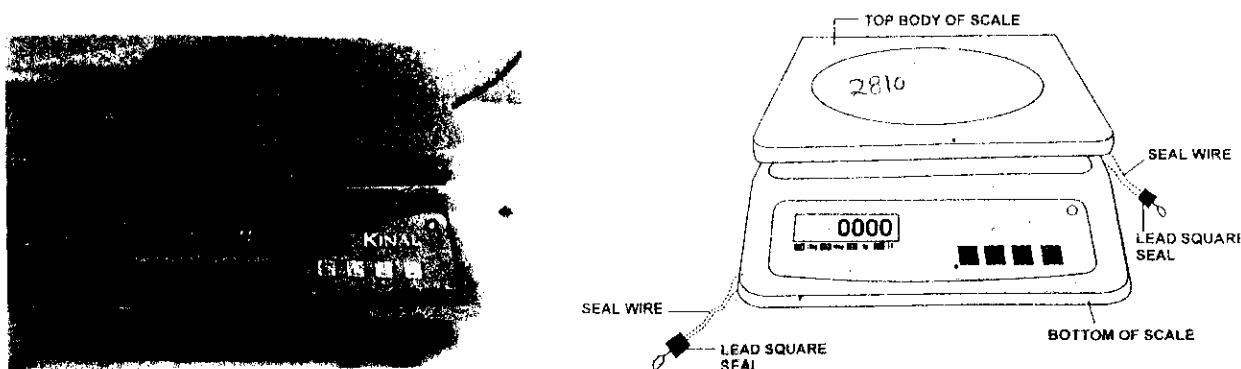


Figure-2—Schematic diagram of sealing provision of the model

The sealing is done through the holes made in front, right and left side of the scale, than sealing wire is passed through bottom and top body of scales. Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg, and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg. to 50mg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F.No. WM-21 (265) 2009]

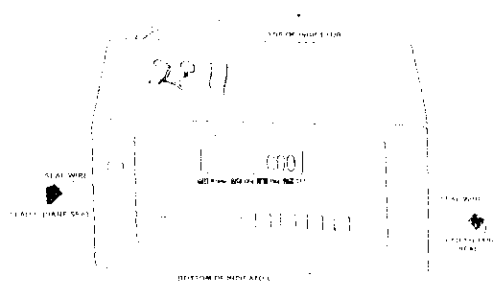
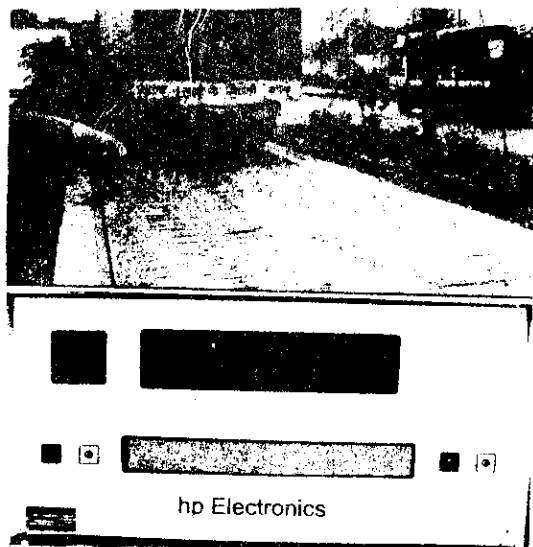
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 12 अक्टूबर, 2010

का.आ. 2811.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करने द्वारा, एफएस एच पी इलेक्ट्रॉनिक्स, शॉप नं. ए 106, प्रेरणा ओरचीड तारकपुर, अहमदनगर द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "डिजिटली-60" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेन्निज) के माडल का, जिसमें वेन्निज का नाम "एचपी" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/204 सम्मोदित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेन्निज) है। इसकी क्षमता वर्ग III का माप 60 ग्राम है और न्यूनतम क्षमता 200 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 कि. ग्रा. है। इसमें एक आधेयुक्तन युक्ति है जिसका शत प्रतिशत अस्वचालनात्मक भारित आसक्तता प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। माप 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा प्रियुक्त प्रदान पर कार्य करता है।



आकृति-2 माडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बाडी के छेदों में से सीलिंग वायर निकाल कर सीलिंग की जाती है। माडल को सीलबंद करने के उपरान्त यह चिह्न योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा यह धारणा करता है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और इसी सामग्री से तैयार उक्त अनुमोदित माडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण जो प्रति 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 ग्राम से 200 ग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डिजिटल एस 21 (199) 2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विभाग

New Delhi, the 12th October, 2010

S.O. 2811.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of Medium Accuracy (Accuracy class-III) of series "WB1-60" and with brand name "hp" (hereinafter referred to as the said model), manufactured by M/s. hp Electronics, Shop No. A 106, Prerana Orchid, Tarapur, Ahmednagar and which is assigned the approval mark IND/09/10/204;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 60 tonne and minimum capacity of 200kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. The (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

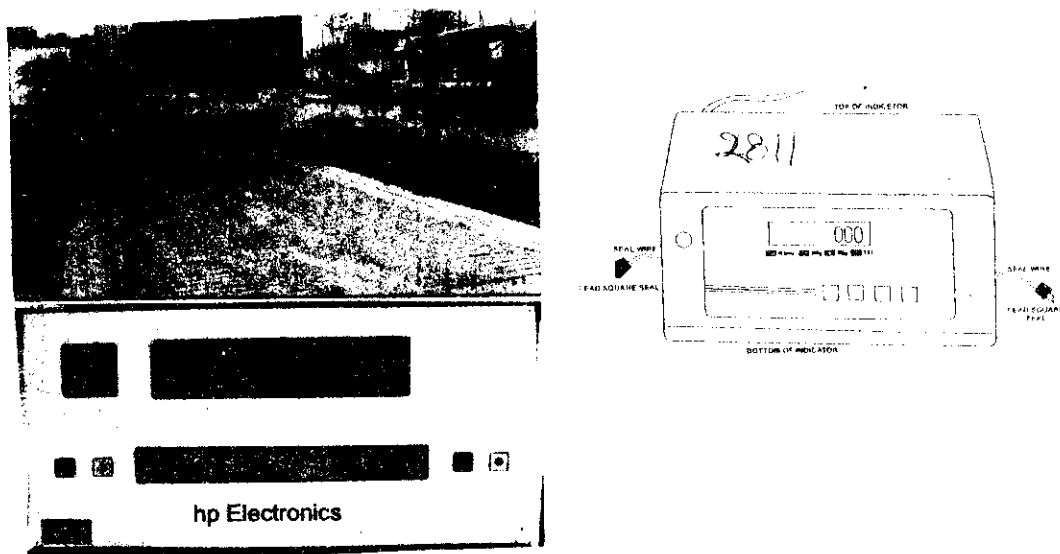


Figure 3—Sealing provision of the indicator of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10000 for 'e' value 5g or above and with 'e' value of 1×10^1 , 2×10^1 or 5×10^1 , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

[F.No. WM-21 (139) 2010]

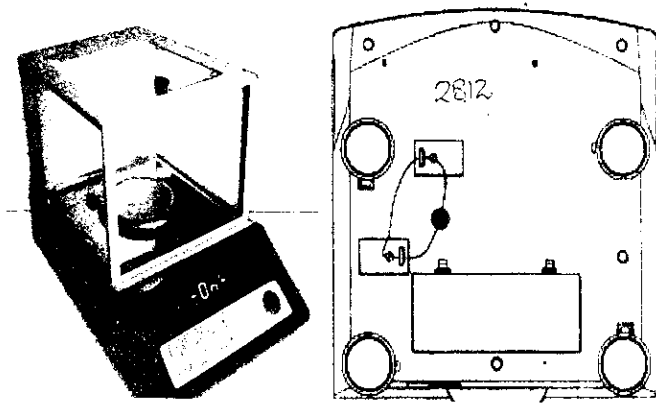
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 12 अक्टूबर, 2010

का.आ. 2812.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया हो कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स तुला भवन, मार्किट रोड, बैनर्जी रोड, जं., एर्नाकुलम, कोचीन-682035 द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग 1) वाला "यथार्थ" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के माडल का, जिसके ब्रांड का नाम "हरकुलिस" है (जिसमें इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/234 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है ;

उक्त मॉडल एक इलेक्ट्रो मैग्नेटिक फोर्स कम्पेन्सेशन प्रिंसिपल पर आधारित अस्वचालित तोलन उपकरण है । इसकी अधिकतम क्षमता 500 ग्रा. है और न्यूनतम क्षमता 100 मि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 1 मि.ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शन प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एनईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



आकृति 2—माडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

इंडीकेटर की बाटम साइड में दिए गए होल्ज में से सीलिंग वायर निकाल कर सीलिंग की जाती है । कपटपूर्ण व्यवहार के लिए मशीन को खोले जाने से रोकने के लिए सीलिंग की जाती है । माडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करता है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विभिन्न उक्त अनुमोदित माडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 50,000 या अधिक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम 21/880/2010]

बी. एन. दीक्षित, निदेशक, विधिक संप्रदान

New Delhi, the 12th October, 2010

S.O. 2812.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of special accuracy (Accuracy class-I) of series "HA" and with brand name "HERCULES" (hereinafter referred to as the said model), manufactured by M/s. "Tula Bhavan, Market Road Jn., Banerji Road, Ernakulam, Cochin-682035 and which is assigned the approval mark IND/09/10/234;

The said model is an electro magnetic force compensation principle non-automatic weighing instrument with a maximum capacity of 500g and minimum capacity of 100mg. The verification scale interval (e) is 1mg. It has a tare device with a 100 percent subtractive retained tare effect. The LED display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

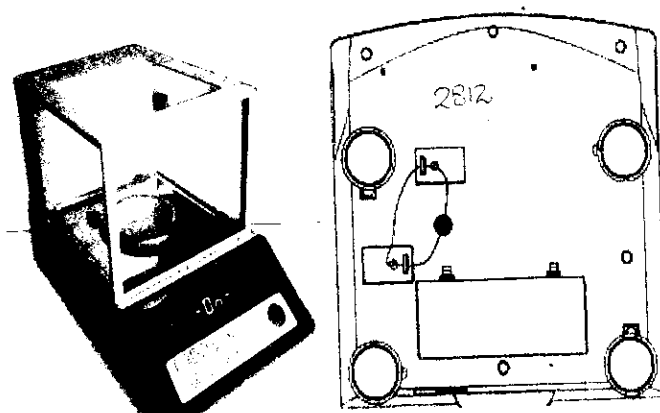


Figure-3—Sealing provision of the indicator of the model

The sealing is done through the holes made in bottom side of the indicator, than sealing wire is passed through these holes. Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 50,000 or above for 'e' value of 1mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(80) 2010]

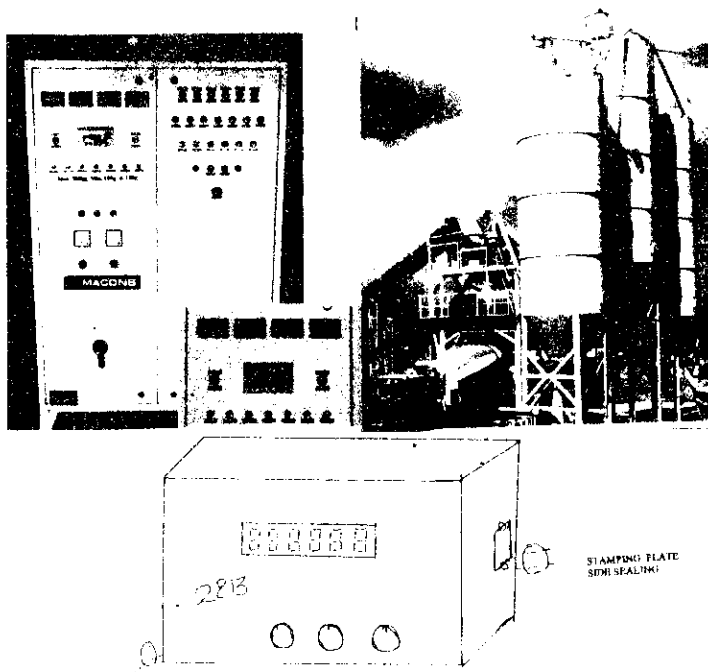
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 12 अक्टूबर, 2010

का.आ. 2813.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि, उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मैकॉन्स डक्यूमेंट प्रा.लि., सर्वे प्लॉक नं. 212, 216, महालक्ष्मी स्टेट, मटोडा पटिया, कलारिम के पाम, गांव-वसना इच्छावाड़ी, त-मानन्द जिला अहमदाबाद, गुजरात द्वारा विनिर्मित यथार्थता वर्ग 2 वाले "मैकॉन्स-6" श्रृंखला के डिस्कॉटिन्युअस टोटलाइजिंग स्वचालित तौलन उपकरण (टोटलाइजिंग हुपर क्वीयर) अंकक सूचन सहित, के मॉडल का, जिसके ब्रांड का नाम "मैकॉन्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/207 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित डिस्कॉटिन्युअस टोटलाइजिंग स्वचालित तौलन उपकरण (टोटलाइजिंग हुपर क्वीयर है)। इसकी अधिकतम क्षमता 500 कि.ग्रा. है और न्यूनतम क्षमता 10 कि. ग्रा. है और मापमान अंतराल (डी) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डायोड (एल सी डी) एल ई डी नाल परिणाम प्रदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले में से सीलिंग बायर निकालकर सीलिंग की गई है ताकि सीलिंग डिजिटर सील हटाए बिना खोला ना जा सके। मॉडल का सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मटर बोर्ड में बिंदु प्रिचर भी दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि, उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तौलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (112)-2010]

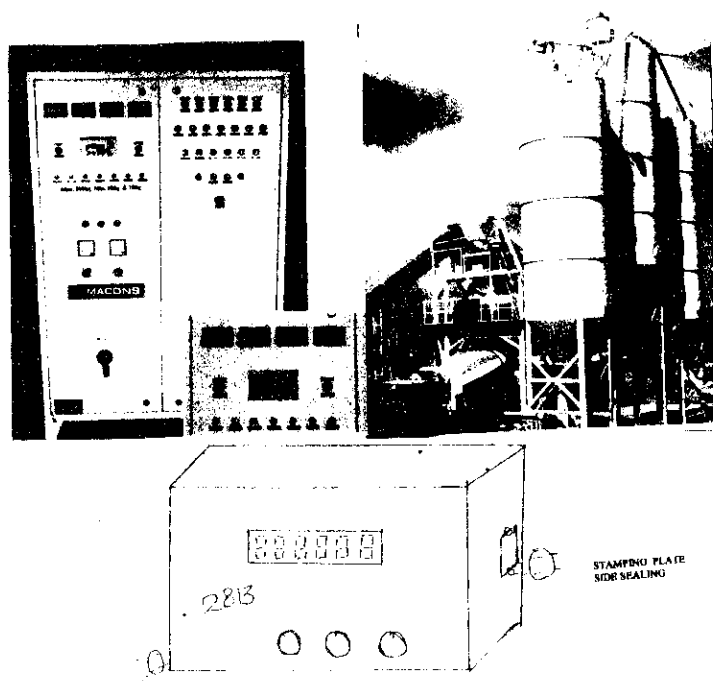
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th October, 2010

S.O. 2813.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of Discontinuous Totalizing Automatic weighing instrument (Totalizing Hopper Weigher) with digital indication of Accuracy class-2 of series "MACONS-6" and with brand name "MACONS" (hereinafter referred to as the said model), manufactured by M/s. "Macons Equipments Pvt. Ltd, Survey Block No. 212, 216, Mahalaxmi Estate, Matoda Patia, Nr Claris, Village Vasana chacharwadi, Ta-Sanand, Dist. Ahmedabad- Gujarat and which is assigned the approval mark IND/09/10/207;

The said model is a strain gauge type load cell based Discontinuous Totalizing Automatic weighing instrument (Totalizing Hopper Weigher) with a maximum capacity of 500kg and minimum capacity of 10kg. The scale interval (d) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The LCD/LED display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



Sealing is done by passing the sealing wire through the display, so that after sealing digitizer can not be opened without removing seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacities in the range of 50kg to 5000 kg for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and materials with the same with which, the said approved model has been manufactured.

[F. No. WM-21 (112)-2010]

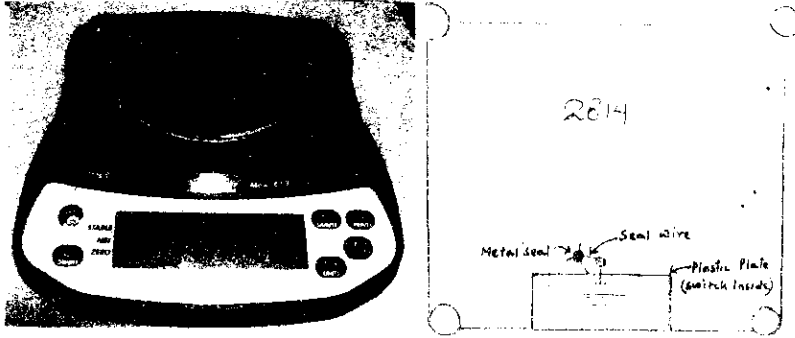
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 12 अक्टूबर, 2010

क्र.आ. 2814.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा जारी मॉडल अनुमोदन प्रमाण पत्र के साथ इसमें प्रस्तुत विधान पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स ए एंड डी कंपनी लि., 3-23-14, हिगाशी, इकेबुकुरो, तोशिमा-कु, टोक्यो 1700013 जापान द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “ईजे” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “ए एंड डी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स ए एंड डी इन्स्ट्रुमेंट्स इंडिया (प्रा.) लि. 509, दायोप विहार-5 गुडगाँव, हरियाणा-122016 द्वारा भारत में विक्री से पूर्व अथवा बाद में बिना किसी परिवर्तन के विपणीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/10/52 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 610 ग्रा. और न्यूनतम क्षमता 200 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले के दायीं ओर/पीछे की ओर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील में जोड़ा गया है। मॉडल को सीलबंद करने के उपरान्त का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए एंटी काई सदर बॉट में स्विच स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी मापमापी में निर्मित उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी शामिल जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 61,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 61,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} , 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21 (52) 2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विभाग

New Delhi, the 12th October, 2010

S.O. 2814.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of series "EJ" and with brand name "A & D" (hereinafter referred to as the said model), manufactured by M/s. A & D Company Ltd. 3-23-14, Higashi-Ikebukuro, Toshima-Ku, Tokyo-170-0013 Japan and marketed in India by M/s. A & D Instruments India (P) Ltd. 509, Udyog Vihar-V, Gurgaon, Haryana-122016, India which is assigned the approval mark IND/09/10/52:

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 610g. and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal (LCD) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

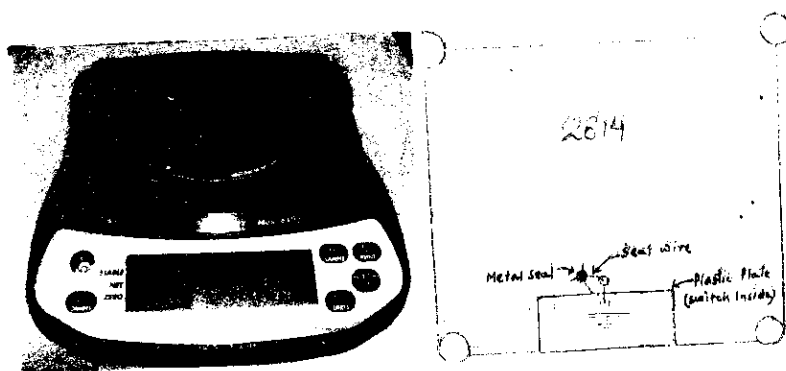


Figure 2—Schematic diagram of sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg. and with number of verification scale interval (n) in the range of 100 to 61,000 for 'e' value of 1mg to 50mg. and with number of verification scale interval (n) in the range of 5000 to 61,000 for 'e' value of 100mg. or more and with 'e' value 1×10^1 , 2×10^1 or 5×10^1 , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (52) 2010]

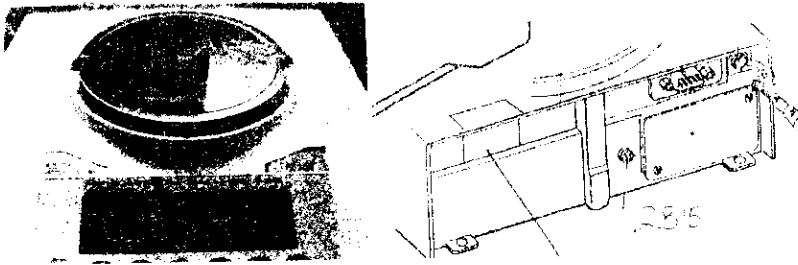
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 12 अक्टूबर, 2010

का.आ. 2815.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा जारी मॉडल अनुमोदन प्रमाण पत्र के साथ उसे प्रस्तुत किया गए विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करना रहेगा।

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स ए एंड डी कंपनी लि., 3-23-14, हिगाशी, इकेबुकुरो, तोशिमा-कु, टोक्यो-170-0013 जापान द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एफजेड" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ए एंड डी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स ए एंड डी इन्स्ट्रुमेंट्स इंडिया (प्रा.) लि. द्वारा प्रयोग बिहार-V, मुड़गाँव, हरियाणा-122016 द्वारा भारत में बिक्री से पूर्व अथवा बाद में बिना किसी परिवर्तन के विपणीत किया गया है और जिस अनुमोदन क्रमांक आई एन डी/09/10/53 समनुदर्शित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक इलैक्ट्रो मैग्नेटिक फोर्स कंपेन्सेशन प्रिंसिपल पर आधारित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) है, जिसकी अधिकतम क्षमता 310 ग्रा. है और न्यूनतम क्षमता 200 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रमाणित व्यवस्थिततात्मक आधारित आधेयतुलन प्रभाव है। वैक्यूम फ्लैरोमैट डायॉड (बी एफ डी) प्रत्यक्ष मापन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले के दायीं ओर/पीछे की ओर सीलिंग की जाती है। सील के साथ उक्त हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपरान्त का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए एंटी कार्ड मकर बोर्ड में निम्न स्विच भी दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से तैयार उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी जिन का 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या इससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डक्यू एम 21 (52) 2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विभाग

New Delhi, the 12th October, 2010

S.O. 2815.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of series "FZ" and with brand name "A & D" (hereinafter referred to as the said model), manufactured by M/s. A & D Company Ltd, 3-23-14, Higashi-Ikebukuro, Toshima Ku, Tokyo-170-0013 Japan and marketed in India by M/s A & D Instruments India (P) Ltd, 509, Udyog Vihar-V, Gurgaon, Haryana-122016, India which is assigned the approval mark IND/09/10/53;

The said model is an electro magnetic force compensation principle based non-automatic weighing instrument (Table top type) with a maximum capacity of 310g. and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 percent subtractive retained tare effect. The Vacuum Fluorescent (VFD) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

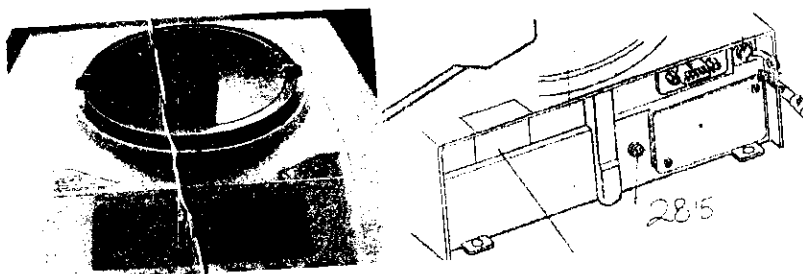


Figure 2:--Schematic diagram of sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg. and with number of verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1mg. to 50mg. and with number of verification scale interval (n) in the range of 5000 to 100,000 for 'e' value of 100mg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (S2)/2010]

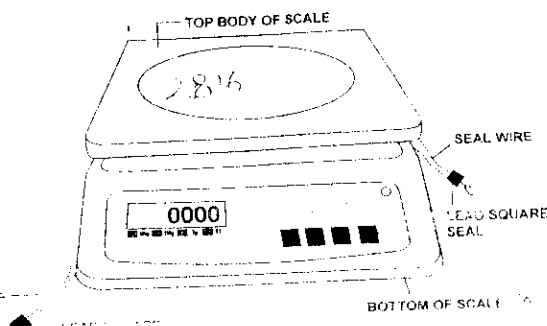
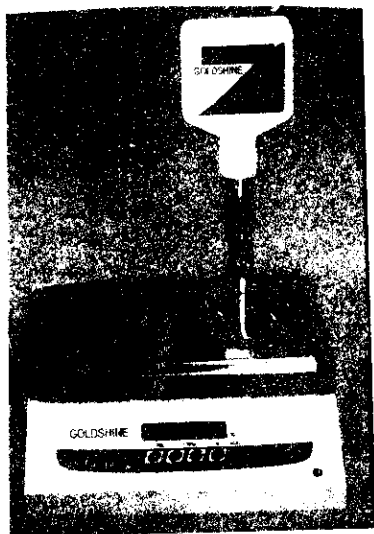
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 12 अक्टूबर, 2010

का.आ. 2816.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स गोल्डशाइन स्केल एंड सिस्टम, 517, रनजीत गली जीएनजी कालेज के पास, यमुना नगर द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "जीएसटीटी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, त्रिमक ब्रांड का नाम "गोल्डशाइन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदित चिह्न आई एन डी/09/10/40 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डिपॉजिट (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बाड़ी के बायीं और दायीं ओर से सीलिंग वायर निकाल कर स्केल के टॉप कवर/ बाटम बेस में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी याजनावद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी कैलिब्रेशन तक पहुंच की सुविधा है। बाहरी कैलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री में जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} , 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डक्यू एम 21 (32) 2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th October, 2010

S.O. 2816.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of series "GSTT" and with brand name "GOLDSHINE" (hereinafter referred to as the said model), manufactured by M/s. Gold Shine Scale & Systems, 517, Ranjit Gali, Near GNG College, Yamuna Nagar which is assigned the approval mark IND/09/10/40:

The said model is a strain guage type load cell based non-automatic weighing instrument (Tabletop Type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

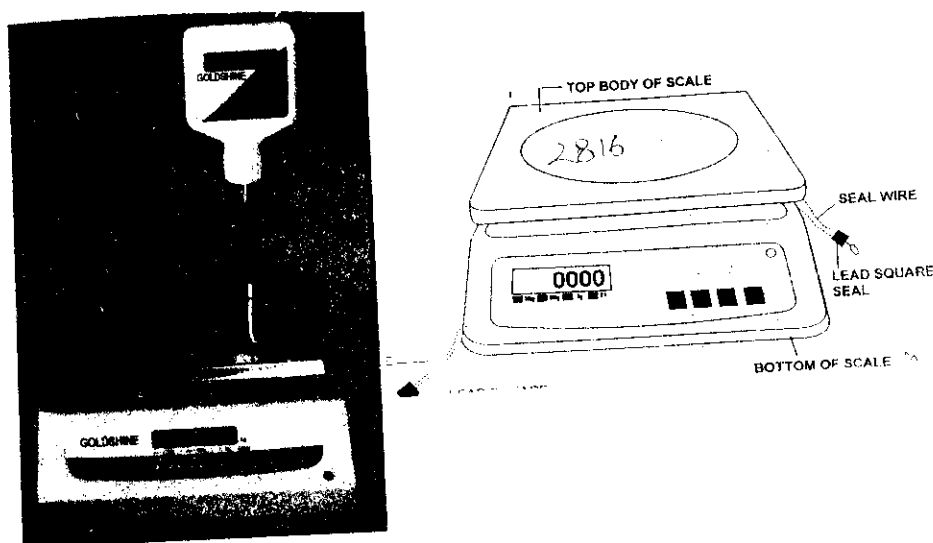


Figure 2—Schematic diagram of sealing provision of the model

Sealing is done on the top cover/bottom base of the scale by passing sealing wire from the left and right body of the scale. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg. and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg. to 50mg. and with number of verification scale interval(n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (32) 2010]

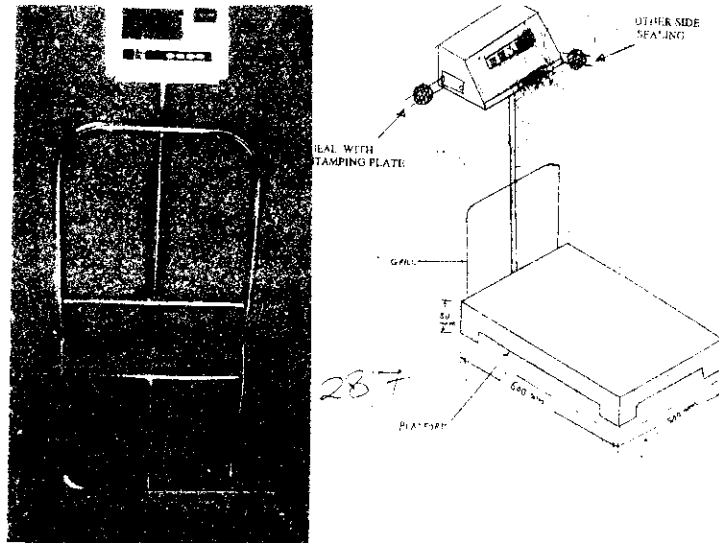
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 12 अक्टूबर, 2010

क्र.आ. 2817.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा:

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स गोल्डशाइन स्केल एंड सिस्टम, 517, रनजीत गली जीएनजी कालेज के पास, यमुना नगर द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “जीएसपीएफ” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के माडल का, जिसके ब्रांड का नाम “गोल्डशाइन” है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 09 10 11 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2—माडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बाड़ी के बायीं और दायीं ओर से सीलिंग वायर निकाल कर स्केल के टॉप कवर/वाटम बेस में सीलिंग की जाती है। मोल के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। माडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड सदर बोर्ड में निषेध निबन्ध भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिसमें उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} , 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21 (32) 2010]

वी. एन. दीक्षित, निदेशक, विधिक माप विभाग

New Delhi, the 12th October, 2010

S.O. 2817.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class-III) of series "GSPF" and with brand name "GOLDSHINE" (hereinafter referred to as the said model), manufactured by M/s. Gold Shine Scale & Systems, 517, Ranjit Gali, Near CNG College, Yamuna Nagar which is assigned the approval mark IND/09/10/41

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

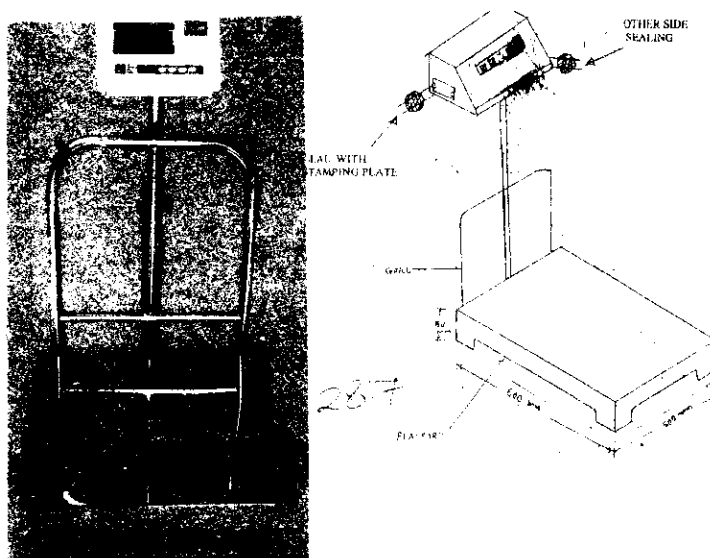


Figure 2—Schematic diagram of sealing provision of the model.

Sealing is done on the top cover/bottom base of the scale by passing sealing wire from the left and right body of the scale. The seal is connected by whole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (32)-2010]

B. N. DIXIT, Director of Legal Metrology

New Delhi, the 12th October, 2010

S.O. 2818.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Measuring Systems For Liquids Other Than Water with digital indication of accuracy class 0.5 (hereinafter referred to as said model) of series -'SPRINT' with brand name "GILBARCO VEEDER ROOT", manufactured by M/s. Gilbarco Veeder Root India Private Limited, Petroleum Dispensing Pumps & Systems, Coimbatore Campus, Malumichampatty, Coimbatore-641021 and which is assigned the approval mark IND/09/10/09;

The said model is an Meter for Liquid other than Water (Fuel Dispenser) working on the principle of positive displacement meter. It can handle single or multiple product and has maximum upto 10 nozzles. It has maximum flowrate in the range of 90L/Min to 130L/min for single/double metering unit. The minimum flow rate is 4L/min. The smallest division is 10ml/1ml. It has indication of 7 or 6 digits for amount in rupees/volume, 6/4 for fuel rate and density. The display is of LCD type.

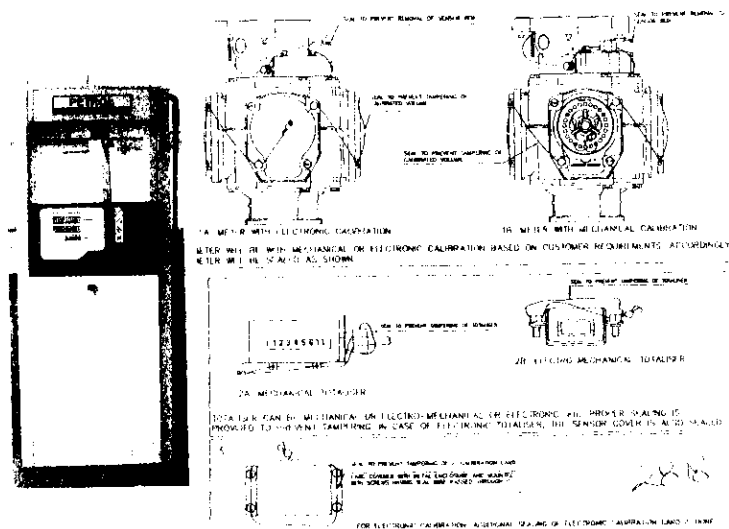


Figure-2-- Sealing arrangement

In addition to sealing the stamping plate, sealing shall also be done by passing sealing wire through the nut and bolt assembly plugged by a seal. The calibration wheel can not be accessed without breaking the lead seal. The electronic calibration can not be accessed without breaking the lead seal on the pulsar bracket.

The said model has electro-mechanical totalizer/electronic totalizer. it is also having electronic calibration facility in addition to mechanical calibration device, card reading and printing facility.

[F.No. WM-21 (16) 2010]

B. N. DIXIT, Director of Legal Metrology

New Delhi, the 12th October, 2010

S.O. 2819.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3), sub-section (7) and sub-section (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of model of Measuring Systems For Liquids Other Than Water of accuracy class 0.5 (hereinafter referred to as said model) of series —“PACEMAKER II” with brand name “GILBARCO VEEDER ROOT”, manufactured by M/s Gilbarco Veeder Root India Private Limited, Petroleum Dispensing Pumps & Systems, Coimbatore Campus, Malunichampatty, Coimbatore-641021 and which is assigned the approval mark IND/09/10/10;

The said model is a Measuring Systems for Liquids Other Than Water (Fuel Dispenser) working on the principle of positive displacement meter. Its maximum flow rate is 90 lpm for heavy duty, 45L/min for standard duty and minimum flow rate is 0.4 litre/minute. It has indication of 7.6 digits for amount in Rupees, and totalizer up to 9 digits. It operates on 220V, 50 Hertz alternate current power supply. It is capable of dispensing multiple variety of fuel that is Gasoline, diesel oil etc. The minimum measured quantity is 1 Litre.

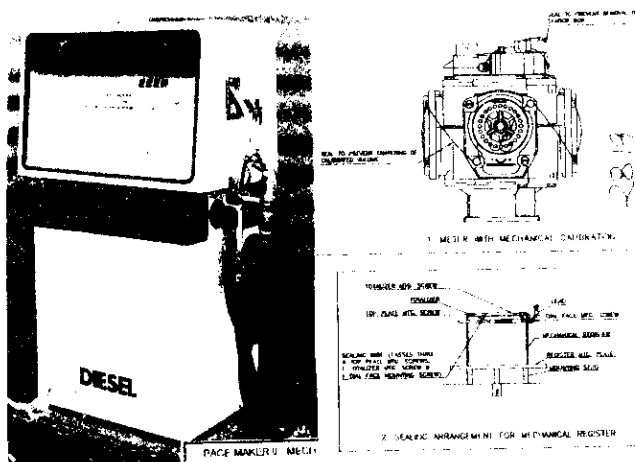


Figure 2—Sealing arrangement.

In addition to sealing the stamping plate, sealing shall also be done by passing sealing wire through the nut and bolt assembly plugged by a seal. The calibration wheel can not be accessed without breaking the lead seal.

The said model has mechanical totalizer.

{ E.No. WM-21(16)/2010 }

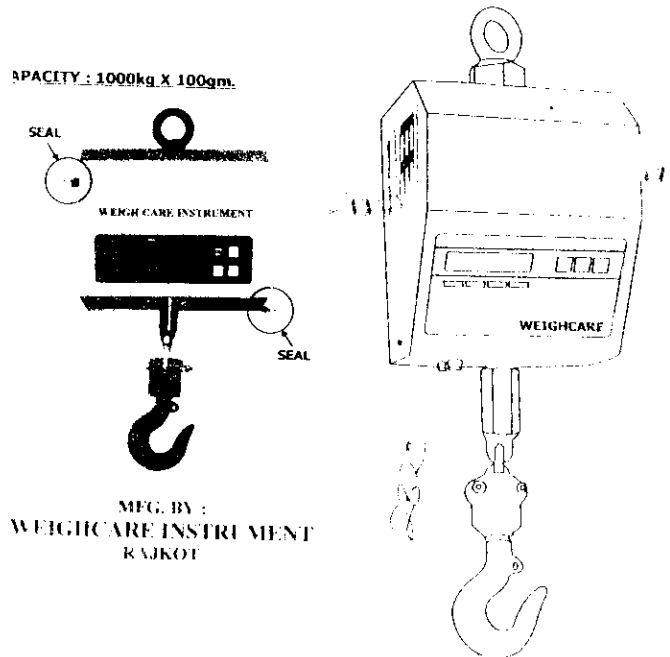
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 22 अक्टूबर, 2010

का.आ. 2820.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा:

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वेकैयर इंस्ट्रुमेंट, सी-1, शांतिनिकेतन काम्प्लेक्स, 150 फीट रिंग रोड, राजकोट, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डब्ल्यूसी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (क्रेन टाइप) के मॉडल का, जिसके ब्रांड का नाम "वेकैयर" है (जिसमें इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/543 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (क्रेन टाइप) है। इसकी अधिकतम क्षमता 1,000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एन ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2—मॉडल के इंडीकेटर का सीलिंग प्रावधान

इंडीकेटर के पीछे की तरफ बनाए गए छंदों में से सीलिंग वायर निकाल कर सीलिंग की जाती है। वेंडिंग मशीन को कथरापूर्ण व्यवहार के लिए खोले जाने से रोकने के लिए सीलिंग की जाती है। मॉडल के सीलिंग प्रावधान का स्कीमवार डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए एंटी कार्ड भंडार बोट में निम्न स्विच भी दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से निर्माण उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण जो भार 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 30 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} , 5×10^{-3} के हैं, जो धनात्मक या ऋणात्मक, पूर्णांक या शून्य हैं, समतुल्य हैं।

[का. मं. डब्ल्यूएम 21/11/2010/543]
बी. एन. दीक्षित, निदेशक, विधिक माप प्रभाग

New Delhi, the 22nd October, 2010

S.O. 2820.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Crane type) with digital indication of medium accuracy (Accuracy class-III) of series "WC" and with brand name "WEIGHCARE" (hereinafter referred to as the said model), manufactured by M/s. Weighcare Instruments, C-1, Shantiniketan Complex, 150ft Ring Road, Rajkot, Gujarat and which is assigned the approval mark IND/09/09/543.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Crane Type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

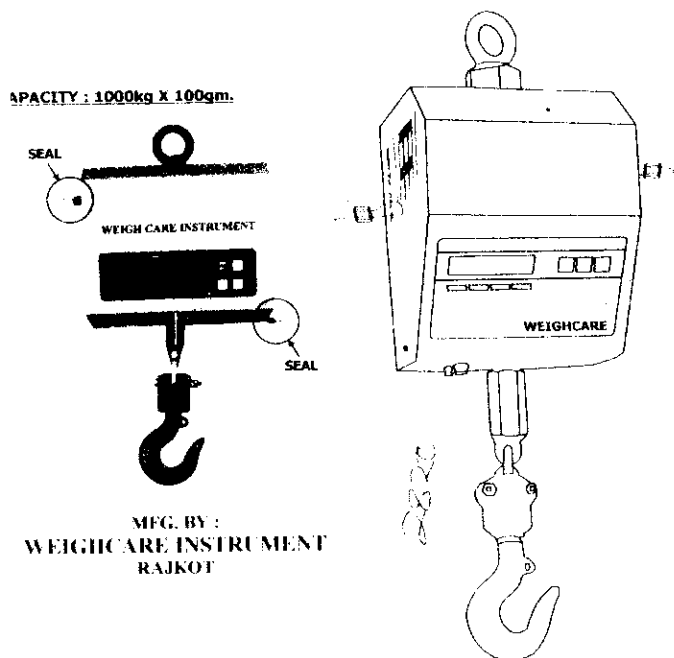


Figure-2—Sealing arrangement

The sealing is done through the holes made in rear side of the indicator, than sealing wire is passed through these holes. Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity range from 50 kg. up to 30 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of $1 \cdot 10^k$, $2 \cdot 10^k$ or $5 \cdot 10^k$, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (317) 2009]

B. N. DIXIT, Director of Legal Metrology

कोयला मंत्रालय

आदेश

नई दिल्ली, 8 नवम्बर, 2010

का.आ. 2821.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20), (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 1892 में तारीख 27 जुलाई, 2010 भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 31 जुलाई, 2010 में प्रकाशित होने पर उक्त अधिसूचना में संलग्न अनुसूची में वर्णित भूमि और ऐसी भूमि में या उस पर के सभी अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन सभी विल्लंगनों से मुक्त होकर, आत्यंतिक रूप में केन्द्रीय सरकार में निहित हो गई थी ;

और, केन्द्रीय सरकार का यह समाधान हो गया है, कि एनटीपीसी लिमिटेड, जो विद्युत मंत्रालय के अधीन पब्लिक सेक्टर उपक्रम है (जिसे इसमें इसके पश्चात् उक्त सरकारी कम्पनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए राजमन्द है ;

अतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर अधिकार, तारीख 31 जुलाई, 2010 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कम्पनी में निहित हो जाएंगे, अर्थात् ;

- (1) उक्त सरकारी कम्पनी, उक्त अधिनियम के उपबन्धों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानी और वेंसी ही मदों के बाबत किए गये सभी भदस्थों को केन्द्रीय सरकार को प्रतिभूति करेगी ;
- (2) उक्त सरकारी कम्पनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण को सहायता के लिए नियुक्त व्यक्तियों के सन्दर्भ में उपगत सभी व्यय, उक्त कम्पनी वहन करेगी और इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके सम्बन्ध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की बाबत उपगत सभी व्यय भी, उक्त सरकारी कम्पनी वहन करेगी ;
- (3) उक्त सरकारी कम्पनी को केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य सम्बन्ध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के सम्बन्ध में आवश्यक हो, क्षतिपूर्ति करेगी ;
- (4) उक्त सरकारी कम्पनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना; उक्त भूमि अधिकार किसी अन्य व्यक्ति को अन्तर्गम करने की शक्ति नहीं होगी; और
- (5) उक्त सरकारी कम्पनी, ऐसे निर्देशों और शर्तों को, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विविधान अर्थों के लिए दिए जाए या अधिरोपित किए जाए, पालन करेगी ।

[फा. सं. 43015/7.2006 पीआरआईडब्ल्यू] : जिल्द II :]

एम. गहाबुद्दीन, अवर सचिव

MINISTRY OF COAL

ORDER

New Delhi, the 8th November, 2010

S.O. 2821.—Whereas, on publication of the notification of the Government of India, in the Ministry of Coal, number S.O. 1892 dated the 27th July, 2010 published in the Gazette of India, Part II, Section-3, sub-section (ii) dated 31 July, 2010 issued under sub-section (1) of Section 9 of the Coal Bearing Area (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and all rights in or over such land described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act ;

And, whereas, the Central Government is satisfied that the NTPC Limited, a Public Sector undertaking under the Ministry of Power (herein referred to as the Government Company) is willing to comply with terms and conditions as the Central Government thinks fit to impose in this behalf ;

Now, therefore, in exercise of powers conferred by sub-section (1) of Section 11 of the Coal Bearing Area (Acquisition and Development) Act, 1957, the Central Government hereby directs that the said lands and all rights in or over the said lands, so vested, shall with effect from the 31st July, 2010 instead of continuing to so vest in the Central Government, vest in the Government Company, subject to the following terms and conditions, namely :

1. The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act ;
2. A tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal, shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc., for or in connection with the rights, in or over such lands, so vested, shall also be borne by the Government Company ;
3. The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials, regarding the rights in or over the said lands, so vested ;
4. The Government Company shall have no power to transfer the said lands and the rights to any other person without the prior approval of the Central Government ; and
5. The Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[F. No. 43015 7 2006 PRIW-I(Vol.II)]

M. SHAHABU DEEN, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 22 अक्टूबर, 2010

का.आ. 2822.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, भारत के राजपत्र में दिनांक 21 मार्च, 2009 को प्रकाशित पेट्रोलियम और प्राकृतिक गैस मंत्रालय की दिनांक 17 मार्च, 2009 की अधिसूचना संख्या का.आ. 711 और दिनांक 7 नवम्बर, 2009 को प्रकाशित दिनांक 4 नवम्बर, 2009 के का.आ. संख्या 3040 में निम्नलिखित संशोधन करती है :—

उक्त अधिसूचना में,

- (i) “श्री नितिन कुमार गर्ग, उप प्रबंधक (प्रचालन), इंडियन ऑयल कॉर्पोरेशन लिमिटेड, मथुरा-जालंधर पाइपलाइन, बिजवासन,” शब्दों के स्थान पर “श्री डी.के. सिंह, उप प्रबंधक (प्रचालन),” शब्द रखे जाएंगे।
- (ii) “श्री एस. के. गौतम, वरिष्ठ अनुक्षण प्रबंधक, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, उत्तरी क्षेत्र पाइपलाइन्स, पानीपत” शब्दों के स्थान पर “श्री रानु राम, वरिष्ठ प्रबंधक,” शब्द रखे जाएंगे।

[सं. आर 25011/9/2007 ओआर I]

बी. के. दत्ता, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 22nd October, 2010

S.O. 2822.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India, Ministry of Petroleum and Natural Gas Number S.O. 711 dated 17th March, 2009, published in the Gazette of India on 21st March, 2009 and Number S.O. 3040 dated 4th November, 2009, published in the Gazette of India on 7th November, 2009, namely :—

In the said notification,

1. for the words “Shri Nitin Kumar Garg, Deputy Manager (Operations), Indian Oil Corporation Limited, Mathura Jalandhur Pipeline, Bijwasan” the words “Shri D. K. Singh, Deputy Manager (Operations)”, shall be substituted.
2. for the words, “Shri S. K. Gautam, Senior Maintenance Manager, Indian Oil Corporation Limited, Northern Region Pipelines, Panipat” the words “Shri Ranu Ram, Senior Manager”, shall be substituted.

[No. R-25011/9/2007-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 10 नवम्बर, 2010

का.आ. 2823.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 41 तारीख 16 दिसम्बर, 2009 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उड़ीसा राज्य की तहसील : आठगड़, जिला : कटक की भूमि में पारादीप-सम्बलपुर-रायपुर-राँची पाइपलाइन परियोजना के कार्यान्वयन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा उड़ीसा राज्य में पारादीप से रायपुर (छत्तीसगढ़) एवं राँची (झारखंड) तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने हेतु उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त अधिसूचना की प्रतियाँ जनता को तारीख 1 फरवरी, 2010 को उपलब्ध करा दी गई थी;

और, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने का विनिश्चय किया है;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लिंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील-आठगड़	जिला-कटक	राज्य-उड़ीसा		
गाँव का नाम	प्लॉट नं.	क्षेत्रफल		
		हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5
कन्दरपुर	1850	00	80	52
	1851	00	04	11
	1811	00	00	10
	1812	00	02	60
	1813	00	04	68
	1816	00	01	76

1	2	3	4	5
कन्दरपुर	1814	00	14	08
	1608	00	02	52
	1618	00	16	20
	1592	00	02	62
	1591	00	01	96
	1590	00	06	30
	1433	00	01	70
	1434	00	00	31
	1905	00	05	19
	1426	00	00	17
	1432	00	01	82
	1431	00	00	20
	1427	00	01	93
	1430	00	02	60
	1416	00	00	72
	1429	00	00	15
	1467	00	03	57
	1452	00	03	03
	1453	00	01	14
	1454	00	00	14
	1455	00	00	10
	1415	00	04	29
	1414	00	00	95
	1376	00	00	52
	1401	00	00	10
	1375	00	00	16
	1377	00	05	06
	1378	00	01	15
	1400	00	00	48
	1379	00	02	03
	1372	00	00	30
	1381	00	03	05
	1380	00	01	90
	1382	00	03	38
	1383	00	01	90
	1384	00	02	72
	1385	00	02	79
	1386	00	05	76
	1368	00	00	94
	1358	00	00	61
	1356	00	11	06
	1357	00	01	08
	1346	00	06	64
	1344	00	09	61
	1347	00	00	36
	1343	00	05	39

1	2	3	4	5	1	2	3	4	5
कन्दरपुर	1342	00	04	28	नन्डेइलो	111	00	08	62
	1341	00	05	06		112	00	00	66
	1334	00	02	89		110	00	00	10
	1335	00	00	10		109	00	03	09
	1337	00	01	47		108	00	09	86
	1340	00	01	52	बेन्टपडा	2556	00	63	65
	1338	00	00	60		2557	00	58	66
	1339	00	02	39		2537	00	02	70
	925	00	16	94		2466	00	18	08
	923	00	09	93		2467	00	02	28
	917	00	00	81		2464	00	08	67
	876	00	05	34		2485	00	02	08
	879	00	04	27		2486	00	08	30
	916	00	09	61		2487	00	03	07
	912	00	00	10		2482	00	01	39
	910	00	00	15		2481	00	05	83
	911	00	13	85		2502	00	02	09
	908	00	00	10		2503	00	08	37
	896	00	00	10		2181	00	00	10
	905	00	00	55		2504	00	04	30
	897	00	05	04		2168	00	05	42
	898	00	03	02		3212	00	04	11
	899	00	04	86		2167	00	00	42
	904	00	05	86		2166	00	00	56
	1876	00	02	80		2156	00	05	19
	903	00	11	87		2165	00	01	76
	902	00	00	10		2157	00	03	62
	880	00	06	32		2158	00	00	20
	839	00	00	10		2995	00	00	29
	847	00	00	19		2155	00	00	30
	845	00	07	62		2150	00	01	41
	1916	00	02	43		2153	00	01	73
	849	00	05	73		2149	00	00	10
नन्डेइलो	128	00	01	24		2151	00	04	38
	127	00	04	04		2145	00	02	76
	126	00	00	20		2189	00	00	87
	122	00	00	79		2094	00	00	57
	119	00	05	09		2093	00	03	92
	138	00	02	43		2092	00	09	82
	139	00	09	96		2050	00	00	52
	118	00	00	40		2101	00	00	10
	635	00	03	08		2102	00	01	36
	140	00	00	51		2103	00	01	93

1	2	3	4	5	1	2	3	4	5
बेन्तपडा	2104	00	01	71	घनुर्जयपुर	184	00	04	92
	2048	00	00	10		187	00	00	10
	2115	00	00	10		186	00	07	54
	2106	00	00	70		175	00	07	58
	2107	00	00	10		173	00	02	58
	2109	00	16	89		172	00	06	49
	2108	00	01	34		171	00	00	57
	3136	00	00	60	गदाघरपुर	341	00	00	15
	2110	00	07	94		340	00	03	26
बेन्तपडा	469	00	00	30		337	00	02	75
	468	00	06	70		338	00	07	74
	467	00	12	17		336	00	15	10
	466	00	03	21		335	00	03	11
	323	00	04	19		325	00	00	12
	312	00	01	33		326	00	04	10
	319	00	01	13		327	00	01	92
	315	00	07	86		308	00	08	05
	318	00	02	66		307	00	09	13
	317	00	00	66		303	00	00	10
	316	00	07	38		304	00	03	08
	310	00	13	36		302	00	07	93
	309	00	04	81		231	00	01	14
	308	00	12	88		280	00	02	57
	297	00	00	74		279	00	05	56
	276	00	10	19		277	00	04	76
	278	00	00	48		278	00	01	28
	277	00	04	00		276	00	00	10
	279	00	00	75		272	00	00	10
	275	00	12	19		271	00	03	50
	258	00	02	47		270	00	00	10
	260	00	04	96		265	00	02	73
	261	00	01	59		266	00	08	66
	262	00	08	07		267	00	02	55
	509	00	00	10		268	00	02	27
	240	00	04	26		78	00	00	57
	236	00	01	03		269	00	03	23
	239	00	00	10		67	00	00	98
	241	00	08	00		66	00	07	40
	242	00	10	37		68	00	00	14
	224	00	01	05		64	00	01	65
	223	00	06	51		65	00	02	45
	222	00	04	41		40	00	06	27
	185	00	12	98		41	00	01	13

1	2	3	4	5	1	2	3	4	5
गदाघरपुर	39	00	01	98	भितरकरिकोल	1046	00	01	67
	42	00	00	10		678	00	15	92
	44	00	00	10		249	00	07	73
	401	00	00	20		250	00	04	70
	400	00	00	15		238	00	21	73
	36	00	00	37		237	00	00	20
	390	00	00	79		1091	00	00	10
	37	00	05	79		1005	00	01	45
	38	00	05	47		184	00	17	58
	29	00	07	07		183	00	06	99
गडापुर	325	00	00	81		182	00	00	81
	326	00	00	10		1009	00	02	16
	324	00	00	44		154	00	05	20
	323	00	00	53		107	00	11	97
	288	00	17	86		108	00	04	46
	287	00	04	67		109	00	03	87
	285	00	04	14		110	00	02	62
	284	00	04	94		111	00	00	10
	282	00	09	58		89	00	04	14
हाडिआणिमाल	63	00	01	71		131	00	00	12
	64	00	01	18	कन्तोला	784	00	13	18
	38	00	28	80		785	00	00	10
	41	00	00	48		1319	00	05	07
	40	00	02	18		788	00	00	61
	39	00	08	53		789	00	01	34
	42	00	00	10		790	00	01	30
	27	00	02	36		791	00	00	26
	28	00	06	82		792	00	03	14
	29	00	07	24		795	00	01	22
	31	00	00	35		796	00	00	10
	33	00	02	30		794	00	03	06
	34	00	05	30		1321	00	02	72
	145	00	01	62		797	00	00	66
भितरकरिकोल	643	00	08	20		812	00	01	20
	644	00	01	78		811	00	00	40
	645	00	01	50		813	00	00	72
	646	00	01	47		827	00	00	21
	647	00	02	05		810	00	00	40
	648	00	00	20		805	00	00	10
	669	00	06	76		806	00	00	38
	668	00	02	37		807	00	00	83
	671	00	17	62		808	00	02	01
	677	00	05	71		809	00	00	81

1	2	3	4	5	1	2	3	4	5
कन्तोल	769	00	01	02	कन्तोल	378	00	03	11
	829	00	00	10		377	00	00	67
	830	00	01	69		345	00	03	96
	768	00	02	98		375	00	03	21
	767	00	01	08		373	00	01	53
	765	00	07	61		376	00	01	00
	761	00	04	08		374	00	02	88
	762	00	00	94		372	00	04	78
	758	00	03	81		371	00	03	04
	757	00	00	19		360	00	02	00
	756	00	01	75		1357	00	06	40
	755	00	01	15		359	00	00	37
	753	00	00	68		361	00	02	58
	663	00	02	18		159	00	02	79
	650	00	02	53		27	00	04	75
	652	00	03	98		28	00	05	59
	653	00	05	90		24	00	00	18
	654	00	03	49		12	00	17	99
	620	00	00	27		1287	00	04	76
	619	00	01	58		14	00	03	68
	655	00	00	34		13	00	02	90
	618	00	02	81		4	00	06	32
	617	00	02	82		3	00	00	67
	462	00	06	65		2	00	04	82
	463	00	03	52		1	00	01	57
	464	00	00	85	दोरड	213	00	02	15
	465	00	02	27		930	00	01	59
	466	00	00	80		214	00	02	37
	467	00	02	80		223	00	02	81
	1323	00	00	10		216	00	03	65
	468	00	00	35		222	00	02	91
	469	00	04	96		221	00	00	10
	470	00	00	10		217	00	07	27
	452	00	03	76		218	00	00	63
	450	00	03	77		209	00	02	08
	439	00	05	66		208	00	07	63
	341	00	04	08	निजिगड	874	00	02	30
	384	00	03	23		300	00	01	32
	385	00	00	76		301	00	02	50
	383	00	00	72		302	00	00	71
	381	00	00	20					
	382	00	02	59					

1	2	3	4	5
निजिगड	303	00	15	54
	306	00	01	45
	305	00	05	65
	312	00	13	74
	295	00	00	77
	294	00	06	64
	292	00	00	10
	293	00	01	22
	282	00	00	14
	313	00	01	67
	279	00	09	01
	280	00	08	00
	281	00	02	12
	277	00	09	14
	273	00	00	25
	275	00	02	78
	276	00	01	62
	158	00	11	21
	159	00	00	10
	161	00	04	70
	162	00	02	00
	160	00	00	15
	133	00	05	36
	163	00	05	00
	134	00	05	91
	136	00	08	07
	139	00	04	63
	137	00	09	40
	138	00	01	71
	116	00	01	70
	106	00	10	16
	105	00	06	93
	104	00	02	28
	103	00	01	23
	102	00	12	26
	101	00	00	65
	91	00	21	96
	96	00	02	55

New Delhi, the 10th November, 2010

S.O. 2823.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 41 dated 16-12-2009 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the land in Tehsil-Athagarh, District- Cuttack, in Orissa State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Petroleum products from Paradip (Orissa) to Raipur (Chhattisgarh) and Ranchi (Jharkhand) by Indian Oil Corporation Limited;

And whereas, copies of the said notification were made available to the public on 1st February 2010;

And -whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted his report to the Central Government;

And whereas, the Central Government has after considering the said report, decided to acquire the right of user in the land specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Central Government hereby directs the right of user in the said land shall instead of vesting in the Central Government, vest on date of publication of this declaration, in Indian Oil Corporation Limited, free from all encumbrances.

SCHEDULE

Tehsil : Athagarh		District : Cuttak		State : Orissa	
Name of the village	Plot No.	Area			
		Hectare	Are	Sq. mtr.	
1	2	3	4	5	
Kandarpur	1850	00	80		52
	1851	00	04		11
	1811	00	00		10
	1812	00	02		60
	1813	00	04		68
	1816	00	01		76
	1814	00	14		05
	1608	00	02		52
	1618	00	16		20

[सं. आर-25011/21/2009-ओ.आर-1]

बी. के. दत्ता, अवर सचिव

1	2	3	4	5	1	2	3	4	5
Kandarpur	1592	00	02	62	Kandarpur	1342	00	04	28
	1591	00	01	96		1341	00	05	06
	1590	00	06	30		1334	00	02	89
	1433	00	01	70		1335	00	00	10
	1434	00	00	31		1337	00	01	47
	1905	00	05	19		1340	00	01	52
	1426	00	00	17		1338	00	00	60
	1432	00	01	82		1339	00	02	39
	1431	00	00	20		925	00	16	94
	1427	00	01	93		923	00	09	93
	1430	00	02	60		917	00	00	81
	1416	00	00	72		876	00	05	34
	1429	00	00	15		879	00	04	27
	1467	00	03	57		916	00	09	61
	1452	00	03	03		912	00	00	10
	1453	00	01	14		910	00	00	15
	1454	00	00	14		911	00	13	85
	1455	00	00	10		908	00	00	10
	1415	00	04	29		896	00	00	10
	1414	00	00	95		905	00	00	55
	1376	00	00	52		897	00	05	04
	1401	00	00	10		898	00	03	02
	1375	00	00	16		899	00	04	86
	1377	00	05	06		904	00	05	86
	1378	00	01	15		1876	00	02	80
	1400	00	00	48		903	00	11	87
	1379	00	02	03		902	00	00	10
	1372	00	00	30		880	00	06	37
	1381	00	03	05		839	00	00	10
	1380	00	01	90		847	00	00	19
	1382	00	03	38		845	00	07	62
	1383	00	01	90		1916	00	02	43
	1384	00	02	72		849	00	05	73
	1385	00	02	79	Nandeilo	128	00	01	24
	1386	00	05	76		127	00	04	04
	1368	00	00	94		126	00	00	20
	1358	00	00	61		122	00	00	79
	1356	00	11	06		119	00	05	09
	1357	00	01	08		138	00	02	43
	1346	00	06	64		139	00	09	96
	1344	00	09	61		118	00	00	40
	1347	00	00	36		635	00	03	08
	1343	00	05	39		140	00	00	51

1	2	3	4	5	1	2	3	4	5
Nandeilo	111	00	08	62	Bentapada	2104	00	01	74
	112	00	00	66		2048	00	00	10
	110	00	00	10		2115	00	00	10
	109	00	03	09		2106	00	00	70
	108	00	09	86		2107	00	00	10
Bentapada	2556	00	63	65		2109	00	16	89
	2557	00	58	66		2108	00	01	34
	2537	00	02	70		3136	00	00	60
	2466	00	18	08		2110	00	07	94
	2467	00	02	28	Dhanurjayapur	469	00	00	30
	2464	00	08	67		468	00	06	70
	2485	00	02	08		467	00	02	17
	2486	00	08	30		466	00	03	21
	2487	00	03	07		321	00	04	19
	2482	00	01	39		512	00	01	33
	2481	00	05	83		319	00	01	13
	2502	00	02	09		315	00	07	86
	2503	00	08	37		318	00	08	66
	2181	00	00	10		317	00	00	66
	2504	00	04	30		316	00	07	58
	2168	00	05	42		310	00	13	36
	3212	00	04	11		309	00	04	81
	2167	00	00	42		308	00	12	88
	2166	00	00	56		297	00	00	74
	2156	00	05	19		276	00	10	19
	2165	00	01	76		278	00	00	48
	2157	00	03	62		277	00	04	00
	2158	00	00	20		279	00	00	75
	2995	00	00	29		275	00	12	19
	2155	00	00	30		258	00	02	47
	2150	00	01	41		260	00	04	96
	2153	00	01	73		261	00	01	59
	2149	00	00	10		262	00	08	07
	2151	00	04	38		509	00	00	10
	2145	00	02	76		240	00	04	26
	2189	00	00	87		236	00	01	03
	2094	00	00	57		239	00	00	10
	2093	00	03	92		241	00	08	00
	2092	00	09	82		242	00	10	37
	2050	00	00	52		224	00	01	05
	2101	00	00	10		223	00	06	51
	2102	00	01	36		222	00	04	41
	2103	00	01	93		185	00	12	98

1	2	3	4	5	1	2	3	4	5
Dhanurjayapur	184	00	04	92	Gadadharpur	39	00	01	98
	187	00	00	10		42	00	00	10
	186	00	07	54		44	00	00	10
	175	00	07	58		401	00	00	20
	173	00	02	58		400	00	00	15
	172	00	06	49		36	00	00	37
	171	00	00	57		399	00	00	79
Gadadharpur	341	00	00	15	Dhaipur	37	00	05	79
	340	00	03	26		38	00	05	47
	337	00	02	75		29	00	07	07
	338	00	07	04		325	00	00	81
	406	00	00	10		326	00	00	10
	336	00	00	11		324	00	00	44
	328	00	00	12		323	00	00	53
	326	00	00	10		288	00	17	86
	327	00	01	92		287	00	04	67
	308	00	08	05		285	00	04	14
	307	00	09	13		284	00	04	94
	303	00	00	10		282	00	09	58
	304	00	03	08	Hadianimal	63	00	01	71
	302	00	02	93		64	00	01	18
	231	00	01	14		38	00	28	80
	280	00	02	57		41	00	00	48
	279	00	05	56		40	00	02	18
	277	00	04	76		39	00	08	53
	278	00	01	28		42	00	00	10
	276	00	00	10		27	00	02	36
	272	00	00	10		28	00	06	82
	271	00	03	50		29	00	07	24
	270	00	00	10		31	00	00	35
	265	00	02	73	Bhitarkarikol	33	00	02	30
	266	00	08	66		34	00	05	30
	267	00	02	55		145	00	01	62
	268	00	02	27		643	00	08	20
	78	00	00	57		644	00	01	78
	269	00	03	23		645	00	01	50
	67	00	00	98		646	00	01	47
	66	00	07	40		647	00	02	05
	68	00	00	14		648	00	00	20
	64	00	01	65		669	00	06	76
	65	00	02	45		668	00	02	37
	40	00	06	27		671	00	17	62
	41	00	01	13		677	00	05	71

1	2	3	4	5	1	2	3	4	5
Bhitarkarikol	1046	00	01	67	Kantol	769	00	01	02
	678	00	15	92		829	00	00	10
	249	00	07	73		830	00	01	69
	250	00	04	70		768	00	02	98
	238	00	21	23		767	00	01	08
	237	00	00	20		765	00	07	61
	1091	00	00	10		761	00	04	08
	1005	00	01	45		762	00	00	94
	184	00	17	58		758	00	03	81
	183	00	06	99		757	00	00	19
	182	00	00	81		756	00	01	75
	1009	00	02	16		755	00	01	15
	154	00	05	20		753	00	00	68
	107	00	11	97		663	00	02	18
	108	00	04	46		650	00	02	53
	109	00	03	87		652	00	03	98
	110	00	02	62		653	00	05	90
	111	00	00	10		654	00	03	49
	89	00	04	14		620	00	00	27
	131	00	00	12		619	00	01	58
Kantol	784	00	13	18		655	00	00	34
	785	00	00	10		618	00	02	81
	1319	00	05	07		617	00	02	82
	788	00	01	61		462	00	06	65
	789	00	01	34		463	00	03	52
	790	00	01	30		464	00	00	85
	791	00	00	26		465	00	02	27
	792	00	03	14		466	00	00	80
	795	00	01	22		467	00	02	80
	796	00	00	10		1323	00	00	10
	794	00	03	06		468	00	00	35
	1321	00	02	72		469	00	04	96
	797	00	00	66		470	00	00	10
	812	00	01	20		452	00	03	76
	811	00	00	40		450	00	03	77
	813	00	00	72		439	00	05	66
	827	00	00	24		341	00	04	08
	810	00	00	40		384	00	03	23
	805	00	00	10		385	00	00	76
	806	00	00	35		383	00	00	72
	807	00	00	83		381	00	00	20
	808	00	02	01		382	00	02	59
	809	00	00	81					

1	2	3	4	5	1	2	3	4	5
Kantol	378	00	03	11	Nijigarh	303	00	15	54
	377	00	00	67		306	00	01	45
	345	00	03	96		305	00	05	68
	375	00	03	21		312	00	13	71
	373	00	01	53		295	00	00	77
	376	00	01	00		294	00	06	61
	374	00	02	88		292	00	00	10
	372	00	04	78		293	00	01	22
	371	00	03	04		282	00	00	11
	360	00	02	00		313	00	01	67
	1357	00	06	40		279	00	09	01
	359	00	00	37		280	00	08	00
	361	00	02	58		281	00	07	12
	159	00	02	79		277	00	09	14
	27	00	04	75		273	00	00	25
	28	00	05	59		275	00	02	58
	24	00	00	18		276	00	01	62
	12	00	17	99		158	00	11	21
	1287	00	04	76		159	00	00	10
	14	00	03	68		161	00	01	70
	13	00	02	90		162	00	02	00
	4	00	06	32		160	00	00	15
	3	00	00	67		133	00	05	36
	2	00	04	82		163	00	05	00
	1	00	01	57		134	00	05	91
Doroda	213	00	02	15		136	00	08	07
	930	00	01	59		139	00	04	63
	214	00	02	37		137	00	09	40
	223	00	02	81		138	00	01	71
	216	00	03	65		116	00	01	70
	222	00	02	91		106	00	10	16
	221	00	00	10		105	00	06	93
	217	00	07	27		104	00	02	28
	218	00	00	63		103	00	01	23
	209	00	02	08		102	00	12	76
	208	00	07	63		101	00	00	65
Nijigarh	874	00	02	30		91	00	21	96
	300	00	01	32		96	00	02	55
	301	00	02	50	[No. R-25011-21-2009-OR-1]				
	302	00	00	74	B.K. DATTA, Under Secy.				

नई दिल्ली, 10 नवम्बर, 2010

का.आ. 2824.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3350 तारीख 2 दिसम्बर, 2009 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उड़ीसा राज्य की तहसील : बालिपाटणा, जिला : खोड़दा की भूमि में पारादीप-सम्बलपुर-रायपुर-राँची पाइपलाइन परियोजना के कार्यान्वयन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा उड़ीसा राज्य में पारादीप से रायपुर (छतीसगढ़) एवं राँची (झारखंड) तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने हेतु उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त अधिसूचना की प्रतियां जनता को तारीख 13 जनवरी, 2010 को उपलब्ध करा दी गई थीं;

और, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने का विनिश्चय किया है;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील-बालिपाटणा	जिला-खोड़दा	राज्य-उड़ीसा		
गांव का नाम	प्लॉट नं.	क्षेत्रफल		
		हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5
प्रतापरुद्रपुर-2	367	00	21	17
	368	00	21	46
	369	00	00	65
	415	00	06	15
	365	00	03	15
	366	00	00	25
	350	00	03	03

1	2	3	4	5
प्रतापरुद्रपुर-2	349	00	05	53
	348	00	00	47
	347	00	00	10
	318	00	04	98
	316	00	06	35
	317	00	07	58
	420	00	00	53
	4013	00	06	25
	478	00	06	91
	477	00	02	52
	473	00	12	20
	472	00	09	24
	4116	00	08	57
	468	00	07	06
	467	00	09	60
	466	00	12	16
	422	00	00	42
	441	00	08	10
	459	00	11	43
	444	00	04	27
	445	00	06	15
	449	00	00	10
	448	00	06	20
	446	00	04	26
	447	00	01	71
	450	00	01	53
	451	00	05	34
	452	00	01	10
	453	00	01	35
	1222	00	00	10
	1221	00	00	14
	1106	00	11	12
	1105	00	07	96
	1011	00	01	16
	1001	00	05	70
	1002	00	00	55
	1003	00	02	68
	1004	00	02	50
	1006	00	02	61
	1005	00	00	44
	4149	00	02	73
	1009	00	09	86

1	2	3	4	5	1	2	3	4	5
प्रतापरुद्रपुर-2	1014	00	09	63	बुधनगदेउलि	254	00	15	22
	1015	00	06	48		256	00	14	76
	995	00	05	32		257	00	00	80
	985	00	03	08		263	00	02	50
	984	00	12	32		236	00	01	51
	967	00	00	22		235	00	00	85
	952	00	05	77		234	00	01	14
	953	00	11	40		233	00	01	52
	954	00	00	73		225	00	03	30
	956	00	02	15		217	00	21	22
	955	00	07	08		221	00	14	50
	964	00	00	10		220	00	00	10
	959	00	00	25		462	00	00	10
	960	00	07	03		122	00	00	20
	962	00	01	16		207	00	01	33
	961	00	04	12		203	00	00	81
	935	00	00	65		186	00	02	07
	917	00	05	13		201	00	00	32
	916	00	02	47		204	00	00	45
	914	00	00	69		202	00	00	40
	911	00	07	78		205	00	00	58
	915	00	00	46		206	00	00	10
	913	00	00	34		200	00	01	33
	912	00	08	40		199	00	03	80
	926	00	00	68		198	00	01	43
साहेब नगर	16	00	02	15		137	00	12	65
	22	00	00	35		138	00	00	72
	23	00	01	14		141	00	15	00
	24	00	00	27		142	00	10	78
	25	00	00	47		130	00	00	77
	9	00	05	30		147	00	00	90
	1	00	11	08		148	00	00	10
	2	00	01	26		146	00	02	78
बुधनगदेउलि	285	00	00	82		151	00	01	25
	284	00	04	73		152	00	01	21
	283	00	14	50		153	00	00	20
	282	00	00	10		150	00	00	58
	278	00	00	97		154	00	01	75
	245	00	00	10	किआजोडि	996	00	03	63
	250	00	06	48		997	00	01	41

1	2	3	4	5	1	2	3	4	5
किआजोडि	992	00	02	78	गारेडिपन्चना	398	00	00	94
	973	00	02	33		399	00	00	92
	1021	00	01	70		410	00	01	63
	991	00	06	10		409	00	00	47
	990	00	05	08		400	00	13	78
	983	00	00	10		401	00	00	10
	989	00	00	61		408	00	00	22
	988	00	00	10		403	00	13	40
	987	00	06	56		455	00	00	30
	984	00	00	10		456	00	14	09
	985	00	03	64		457	00	02	67
	986	00	01	10		458	00	01	44
	982	00	00	10		466	00	01	10
	971	00	01	08		465	00	00	40
	970	00	01	61		464	00	00	10
गारेडिपन्चना	1735	00	01	65		460	00	00	20
	1734	00	00	19		462	00	00	84
	1736	00	00	34		461	00	01	08
	1737	00	11	62		477	00	01	21
	1730	00	03	89		478	00	02	00
	1731	00	00	89		479	00	01	47
	1724	00	00	81		551	00	03	32
	297	00	08	22		552	00	00	10
	298	00	00	71		548	00	00	36
	304	00	06	57		549	00	00	35
	305	00	01	87		550	00	03	29
	303	00	00	77		545	00	01	66
	307	00	06	34		559	00	00	69
	306	00	00	30		557	00	04	10
	308	00	00	50		558	00	11	00
	196	00	00	10		560	00	01	12
	310	00	08	67		561	00	02	75
	195	00	04	43	बिस्वनाथपुर	3421	00	00	99
	194	00	15	85		2258	00	02	22
	312	00	00	31		2257	00	02	10
	192	00	01	00		2256	00	01	94
	396	00	19	13		2267	00	00	30
	395	00	00	30		2514	00	00	33
	394	00	02	11		2513	00	00	19
	397	00	01	01		2512	00	08	82

1	2	3	4	5	1	2	3	4	5
बिस्वनाथपुर	2510	00	05	39	बिस्वनाथपुर	3145	00	07	11
	2509	00	01	03		3144	00	07	35
	2503	00	00	10		3138	00	00	20
	2504	00	06	77		3137	00	03	22
	2502	00	00	23		3137	00	00	71
	2501	00	05	21		3131	00	09	97
	2500	00	09	62		3125	00	00	74
	2498	00	00	61		2998	00	02	92
	2518	00	00	59		2999	00	12	46
	2542	00	01	27		2996	00	01	76
	2543	00	03	25		2985	00	02	19
	2541	00	14	05		2984	00	01	77
	2539	00	00	10		2983	00	01	35
	2540	00	01	50		2982	00	03	04
	2545	00	00	79		2981	00	00	10
	2547	00	05	11	नुआपडा	91	00	08	07
	2548	00	06	21		89	00	00	10
	2550	00	07	88		88	00	01	13
	2551	00	04	87		87	00	01	86
	2553	00	00	30		83	00	00	90
	2558	00	05	89		82	00	02	66
	2559	00	00	20		84	00	03	13
	2585	00	00	87		95	00	06	55
	2606	00	00	78		81	00	02	30
	2607	00	03	83		97	00	05	51
	2608	00	06	24		98	00	06	24
	2604	00	01	84		99	00	03	19
	2609	00	00	38		102	00	01	96
	2599	00	00	92		101	00	01	55
	2603	00	17	07		103	00	03	69
	2610	00	00	30		104	00	08	37
	2619	00	02	03		105	00	06	70
	2620	00	14	40		1024	00	00	85
	2623	00	02	73		112	00	01	34
	2625	00	04	00		114	00	06	02
	2628	00	11	03		115	00	04	35
	2629	00	04	59					
	3432	00	01	40					
	3147	00	00	20					
	3146	00	12	69					

[सं. आर-25011/19/2009 ओ.आर. 1]

बी. कं. दत्ता, अवर सचिव

New Delhi, the 10th November, 2010

S.O. 2824.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3350 dated 02-12-2009 issued under sub section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the land in Tehsil-Balipatna, District- Khurda, in Orissa State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Petroleum products from Paradip (Orissa) to Raipur (Chhattisgarh) and Ranchi (Jharkhand) by Indian Oil Corporation Limited;

And whereas, copies of the said notification were made available to the public on 13th January 2010;

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted his report to the Central Government;

And whereas, the Central Government has after considering the said report, decided to acquire the right of user in the land specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Central Government hereby directs the right of user in the said land shall instead of vesting in the Central Government, vest on date of publication of this declaration, in Indian Oil Corporation Limited, free from all encumbrances.

SCHEDULE

Tehsil : Balipatna		District : Khurda		State : Orissa	
Name of the village	Plot No.	Area			
		Hectare	Are	Sq. mtr.	
1	2	3	4	5	
Prataprudrapur-2	367	00	21	17	
	368	00	21	46	
	369	00	00	65	
	415	00	06	15	
	365	00	03	15	
	366	00	00	25	
	350	00	03	03	
	349	00	05	53	
	348	00	00	47	

1	2	3	4	5
Prataprudrapur-2	347	00	00	10
	318	00	04	98
	316	00	06	35
	317	00	07	58
	420	00	00	53
	4013	00	06	25
	478	00	06	91
	477	00	02	52
	473	00	12	20
	472	00	09	21
	4116	00	08	57
	468	00	07	06
	467	00	09	60
	466	00	12	16
	422	00	00	42
	441	00	08	10
	459	00	11	43
	444	00	04	27
	445	00	06	15
	449	00	00	10
	448	00	06	20
	446	00	04	26
	447	00	01	71
	450	00	01	53
	451	00	05	34
	452	00	01	10
	453	00	01	35
	1222	00	00	10
	1221	00	00	14
	1106	00	11	12
	1105	00	07	96
	1011	00	01	16
	1001	00	05	70
	1002	00	00	55
	1003	00	02	68
	1004	00	02	50
	1006	00	02	61
	1005	00	00	44
	4149	00	02	78
	1009	00	09	86
	1014	00	09	63

1	2	3	4	5	1	2	3	4	5
Prataprudrapur-2	1015	00	06	48	Budhangadeuli	257	00	00	80
	995	00	05	32		263	00	02	50
	985	00	03	08		236	00	01	51
	984	00	12	32		235	00	00	83
	967	00	00	22		234	00	01	14
	952	00	05	77		233	00	01	52
	953	00	11	40		225	00	03	30
	954	00	00	73		217	00	21	22
	956	00	02	15		221	00	14	50
	955	00	07	08		220	00	00	10
	964	00	00	10		462	00	00	10
	959	00	00	25		122	00	00	20
	960	00	07	03		207	00	01	33
	962	00	01	16		203	00	00	81
	961	00	04	12		186	00	02	07
	935	00	00	65		201	00	00	32
	917	00	05	13		204	00	00	45
	916	00	02	47		202	00	00	40
	914	00	00	69		205	00	00	58
	911	00	07	78		206	00	00	10
	915	00	00	46		200	00	01	33
	913	00	00	34		199	00	03	80
	912	00	08	40		198	00	01	43
	926	00	00	68		137	00	12	65
Saheb Nagar	16	00	02	15		138	00	00	72
	22	00	00	35		141	00	15	00
	23	00	01	14		142	00	10	78
	24	00	00	27		130	00	00	77
	25	00	00	47		147	00	00	90
	9	00	05	30		148	00	00	10
	1	00	11	08		146	00	02	78
	2	00	01	26		151	00	01	25
Budhangadeuli	285	00	00	82	Kiajodi	152	00	01	21
	284	00	04	73		153	00	00	20
	283	00	14	50		150	00	00	58
	282	00	00	10		154	00	01	75
	278	00	00	97		996	00	03	63
	245	00	00	10		997	00	04	41
	250	00	06	48		992	00	02	78
	254	00	15	22		973	00	02	33
	256	00	14	76		1021	00	01	70

1	2	3	4	5	1	2	3	4	5
Kiajodi	991	00	06	10	Garedipanchana	400	00	13	78
	990	00	05	08		401	00	00	10
	983	00	00	10		408	00	00	22
	989	00	00	61		403	00	13	40
	988	00	00	10		455	00	00	30
	987	00	06	56		456	00	14	09
	984	00	00	10		457	00	02	67
	985	00	03	64		458	00	01	44
	986	00	01	10		466	00	01	10
	982	00	00	10		465	00	00	40
	971	00	01	08		464	00	00	10
	970	00	01	61		460	00	00	20
Garedipanchana	1735	00	01	65		462	00	00	84
	1734	00	00	10		461	00	01	08
	1736	00	00	34		477	00	01	21
	1737	00	11	62		478	00	02	00
	1730	00	03	89		479	00	01	47
	1731	00	00	89		551	00	03	32
	1724	00	00	81		552	00	00	10
	297	00	08	22		548	00	00	36
	298	00	00	71		549	00	00	35
	304	00	06	57		550	00	03	29
	305	00	01	87		545	00	01	66
	303	00	00	77	Biswanathpur	559	00	00	69
	307	00	06	34		557	00	04	10
	306	00	00	30		558	00	11	00
	308	00	00	50		560	00	01	12
	196	00	00	10		561	00	02	75
	310	00	08	67		3421	00	00	99
	195	00	04	43		2258	00	02	22
	194	00	15	85		2257	00	02	10
	312	00	00	31		2256	00	01	94
	192	00	01	00		2267	00	00	30
	396	00	19	13		2514	00	00	33
	395	00	00	30		2513	00	00	19
	394	00	02	11		2512	00	08	82
	397	00	01	01		2510	00	05	39
	398	00	00	94		2509	00	01	03
	399	00	00	92		2503	00	00	10
	410	00	01	63		2504	00	06	77
	409	00	00	47		2502	00	00	23
						2501	00	05	21
						2500	00	09	62
						2498	00	00	61
						2518	00	00	59
						2542	00	01	27
						2543	00	03	25

1	2	3	4	5
Biswanathpur	2541	00	14	05
	2539	00	00	10
	2540	00	01	50
	2545	00	00	79
	2547	00	05	11
	2548	00	06	21
	2550	00	07	88
	2551	00	04	87
	2553	00	00	30
	2558	00	05	89
	2559	00	00	20
	2585	00	00	87
	2606	00	00	78
	2607	00	03	83
	2608	00	06	24
	2604	00	01	84
	2609	00	00	38
	2599	00	00	92
	2603	00	17	07
	2610	00	00	30
	2619	00	02	03
	2620	00	14	40
	2623	00	02	73
	2625	00	04	00
	2628	00	11	03
	2629	00	04	59
	3432	00	01	40
	3147	00	00	20
	3146	00	12	69
	3145	00	07	11
	3144	00	07	35
	3138	00	00	20
	3137	00	03	72
	3437	00	00	71
	3131	00	09	97
	3425	00	00	74
	2998	00	02	92
	2999	00	12	46
	2996	00	01	26
	2985	00	02	19
	2984	00	01	77
	2983	00	01	35
	2982	00	03	04
	2981	00	00	10
Nuapada	91	00	08	02
	89	00	00	10
	88	00	01	43
	87	00	01	86
	83	00	09	90
	82	00	02	66
	84	00	03	13

1	2	3	4	5
Nuapada	95	00	06	55
	81	00	02	30
	97	00	05	54
	98	00	06	24
	99	00	03	19
	102	00	01	96
	101	00	01	55
	103	00	03	69
	104	00	08	37
	105	00	06	70
	1024	00	00	85
	112	00	01	34
	114	00	06	02
	115	00	04	35

[No. R-25011/19/2009-OR-I]

B.K. DATTA, Under Secy.

नई दिल्ली, 11 नवम्बर, 2010

का.आ. 2825.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 925 तारीख 7-4-2010 द्वारा श्री अमिताभ राजखोवा अतिरिक्त उप कमिश्नर जिला डिब्रूगण, आसाम को आसाम राज्य में मैसर्स ब्रह्मपुत्र क्रैकर एण्ड पोलिमेर लिमिटेड द्वारा पाइपलाइन बिछाने के लिए उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त किया था।

और उक्त श्री अमिताभ राजखोवा का स्थानांतरण हो गया है और श्रीमती वंदना दत्ता तामूली अतिरिक्त उप कमिश्नर को उनके पद पर नियुक्त किया गया है।

अतः अब, भारत सरकार उक्त अधिनियम की धारा 2 के खंड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 925 तारीख 7 4 2010 को अधिकांत करते हुए, नीचे दी गयी अनुसूची के स्तम्भ (1) में वर्णित व्यक्ति को उक्त मैसर्स ब्रह्मपुत्र क्रैकर एण्ड पोलिमेर लिमिटेड द्वारा पाइपलाइन बिछाने के लिए निम्नलिखित अनुसूची के स्तम्भ (2) में वर्णित क्षेत्र में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त करती है।

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्रीमती वंदना दत्ता तामूली	आसाम राज्य जिला डिब्रूगण, नेफथा
अतिरिक्त उप कमिश्नर,	पाइपलाइन, नेफथा अनलाइनिंग
जिला डिब्रूगण, आसाम	स्टेशन तिनसूकिया गांव से पेट्रोकैमिकल
	काम्पलैक्स लेपेटकाटा (डिब्रूगण खंड)
	बिछाने हेतु

[फा. सं. एल-14014/24/10 जी.पी.]

स्नेह पी. मदान, अवर सचिव

New Delhi, the 11th November, 2010

S.O. 2825.—Whereas, in pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Government of India vide Notification of Government of India in the Ministry of Petroleum and Natural Gas S.O. 925, dated 7-04-2010 appointed Shri Amitabh Rajkhowa ACS (Additional Deputy Commissioner) Dibrugarh to perform the functions of the Competent Authority under the said Act for laying of the pipeline By M/s Brahmaputra Cracker and Polymer Limited (BCPL) in Distt. Dibrugarh of Assam State.

And, whereas, Shri Amitabh Rajkhowa has been transferred and Smt. Bandana Dutta Tamuli, ACS (Additional Deputy Commissioner) Dibrugarh has been posted as his incumbent;

Now, therefore, in pursuance of clause (a) of Section (2) of the said Act and in supersession of the notification of the Government of India, Ministry of Petroleum and Natural Gas vide S.O. 925, dated 7-04-2010, the Government of India hereby authorizes the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority under the said Act for laying pipelines by the said M/s. Brahmaputra Cracker and Polymer Limited (BCPL) in the area mentioned in column (2) of the said Schedule.

SCHEDULE

Name and Address of the person	Area of jurisdiction
Smt. Bandana Dutta Tamuli, ACS (Additional Deputy Commissioner) Dibrugarh (Assam)	State of Assam areas falling in Dibrugarh District for laying of Naphtha Pipeline from Naphtha unloading station at Tinsukia Gaon, Dibrugarh to Petrochemical Complex Lapetkata

[F. No. L-14014/24/10-GP.]

SNEH P. MADAN, Under Secy.

नई दिल्ली, 11 नवम्बर, 2010

का.आ. 2826.—भारत सरकार ने पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 863, तारीख 30-03-2010 द्वारा श्री अमिताभ राजखोवा, अतिरिक्त उप कमिश्नर जिला डिब्रुगढ़, आसाम को आसाम राज्य में मैसर्स ब्रह्मपुत्र क्रैकर एण्ड पोलिमेर लिमिटेड द्वारा पाइपलाइन बिछाने के लिए उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त किया था।

और, उक्त श्री अमिताभ राजखोवा का स्थानान्तरण हो गया है और श्रीमती वंदना दत्ता तामूली अतिरिक्त उप कमिश्नर को उनके पद पर नियुक्त किया गया है;

अतः, अब, भारत सरकार उक्त अधिनियम की धारा 2 के खंड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 863 तारीख 30-03-2010 को अधिकांत करते हुए, नीचे दी गयी अनुसूची के स्तम्भ (1) में वर्णित व्यक्ति को उक्त मैसर्स ब्रह्मपुत्र क्रैकर एण्ड पोलिमेर लिमिटेड द्वारा पाइपलाइन बिछाने के लिए निम्नलिखित अनुसूची के स्तम्भ (2) में वर्णित क्षेत्र में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिये नियुक्त करती है।

अधिसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्रीमती वंदना दत्ता तामूली अतिरिक्त उप कमिश्नर, जिला डिब्रुगढ़, (आसाम)	1-आसाम राज्य जिला डिब्रुगढ़ रिच गैस दुलियाजान से लपेट- काटा और लीन गैस लपेटकाटा से दुलियाजान पाइपलाइन बिछाने हेतु 2-आसाम राज्य जिला डिब्रुगढ़ सी-2+ द्रवित हार्ड वेपर प्रेशर पाइपलाइन लकवा से लपेटकाटा (डिब्रुगढ़ खण्ड) पाइप लाइन बिछाने हेतु

[फा. सं. एल-14014/16/10-जी. पी.]

स्नेह पी. मदान, अवर सचिव

New Delhi, the 11th November, 2010

S.O. 2826.—Whereas, in pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Government of India vide Notification of Government of India in the Ministry of Petroleum and Natural Gas S.O. 863, dated 30-03-2010 appointed Shri Amitabh Rajkhowa, ACS (Additional Deputy Commissioner) Dibrugarh to perform the functions of the Competent Authority under the said Act for laying of the pipeline By M/s Brahmaputra Cracker and Polymer Limited (BCPL) in Distt. Dibrugarh of Assam State.

And, whereas, Shri Amitabh Rajkhowa has been transferred and Smt. Bandana Dutta Tamuli, ACS (Additional Deputy Commissioner) Dibrugarh has been posted as his incumbent;

Now, therefore, in pursuance of clause (a) of Section (2) of the said Act and in supersession of the notification of the Government of India, Ministry of Petroleum & Natural Gas vide S.O. 863 dated 30-03-2010, the Government of India hereby authorizes the person mentioned in column

(1) of the Schedule given below to perform the functions of the Competent Authority under the said Act for laying pipelines by the said M/s. Brahmaputra Cracker and Polymer Limited (BCPL) in the area mentioned in column (2) of the said Schedule.

SCHEDULE

Name and Address of the person	Area of jurisdiction
Smt. Bandana Dutta Tamuli, ACS (Additional Deputy Commissioner) Dibrugarh (Assam)	1-State of Assam areas falling in Dibrugarh District for laying of Rich Gas (Duliajan-Lapekata) and Lean Gas (Lapetkata-Duliajan) pipelines. 2-State of Assam areas falling in Dibrugarh District for laying of C2+ Liquid High Vapor Pressure Pipeline from Lakwa to Lapetkata

[F. No. L-14014/16/10-G.P.]

SNEH P. MADAN, Under Secy.

नई दिल्ली, 11 नवम्बर, 2010

का.आ. 2827.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 2 के खण्ड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तंभ 1 में उल्लिखित व्यक्ति को, उक्त अनुसूची के स्तंभ 2 में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्र के संबंध में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है, अर्थात् :-

अनुसूची

प्राधिकारी का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्री विश्वनाथ बारिक, एडीशनल सब-कलेक्टर, जगतसिंहपुर, इंडियन आयल कार्पोरेशन लिमिटेड में सक्षम प्राधिकारी, पारादीप रायपुर राँची पाइपलाइन परियोजना, होता काम्प्लेक्स, ऐन्थापाली चौक, ऐन्थापाली, सम्बलपुर-768004 उड़ीसा।	उड़ीसा राज्य

यह अधिसूचना जारी होने की तारीख से लागू होगी।

[सं. आर-25011/12/2010-OR-1]

बी. कं. दत्ता, अवर सचिव

New Delhi, the 11th November, 2010

S.O. 2827.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority under the said Act, in respect of the area mentioned in column (2) of the said Schedule :—

SCHEDULE

Name and address of the Authority	Area of jurisdiction
(1)	(2)
Shri Biswanath Barik Addl. Sub-Collector, Jagatsinghpur Competent Authority in the Indian Oil Corporation Limited, Hota Complex, Ainthapali Chowk, Ainthapali, Sambalpur-768004 Orissa	State of Orissa

This notification is applicable from the date of issue.

[No. R-25011/12/2010-OR-1]

B. K. DATTA, Under Secy.

नई दिल्ली, 11 नवम्बर, 2010

का.आ. 2828.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 916, तारीख 29 मार्च, 2010, द्वारा तमिलनाडु राज्य में चेन्नई पेट्रोलियम कार्पोरेशन लिमिटेड, मनालि कि रिफ़िनरी से देवनगुंदि टर्मिनल, बैंगलोर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड द्वारा सि.बि.पि. एल. पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता का तारीख 28-05-2010 को उपलब्ध करा दी गई थीं।

और उक्त अधिनियम की धारा 6 की उप धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लिंगमों से मुक्त हो कर इंडियन ऑयल कार्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालूका : उत्थुकोटाई जिला-तिरुवालुर राज्य-तामिलनाडु

गांव का नाम	सर्वेक्षण सं. खण्ड सं.	उप- खंड सं.	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
94. आनंदनकवक्कम	207	3ए	0	04	61
	278	3सी	0	01	00
95. माडाभिलागम	269	3	0	01	00
	269	2	0	01	00
76. पेरुमुडिवक्कम	54	2	0	01	00
74. आथंगिकावानूर	85	2बी 2	0	01	00
	240	-	0	03	17
	238	2	0	01	32
	238	1	0	02	60
	221	1	0	00	74
	48		0	00	55
	47		0	00	80
73. पुन्नापक्कम	6	2ए	0	01	70
	6	1	0	03	50
	3	-	0	01	06
71. मांबल्लम	2	2	0	01	00
70. कादरभेडु	108	-	0	05	64
24. मेयूर	208		0	05	68
	657	1जी	0	00	60
	657	1एफ	0	01	94
20. कोराक्कांथाडालाम	15		0	05	23
21. देवांडभक्कम	137	6	0	04	64
	142	1	0	05	04
	251		0	22	68
	140	-	0	07	00

1	2	3	4	5	6
21. देवांडभक्कम	226	2	0	24	84
	226	1	0	10	80
	225	2	0	09	72
	225	1ए	0	09	36
	224	5	0	08	64
	224	4ए	0	08	57
	224	1	0	08	28
	235	2	0	00	80
	234	1	0	17	68
	250	1	0	02	63
19. ओडाप्पाइ	3	1बी	0	06	80
	3	2बी	0	03	24
	3	3ए	0	00	59
	3	5ए	0	01	80
	3	5बी	0	00	40
	3	4बी	0	01	58
	8	3	0	01	53
	8	4	0	01	43
	8	5	0	00	84
16. आट्टामवक्कम	230	1ए1	0	00	72
13. नामवक्कम	84	2	0	00	40
	136	11	0	00	98
	142	11	0	00	40
	135	10ए	0	00	40
12. नयाप्पक्कम	17	1	0	02	44
	17	2	0	02	13
	14	1ए	0	00	88
	44	3	0	01	00
	189	3	0	02	00

तालूका : तिरुवालुर	जिला-तिरुवालुर	राज्य-तामिलनाडु			
गांव का नाम	सर्वेक्षण सं. खण्ड सं.	उप- खंड सं.	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
31. वेंगल	425	7	0	09	45
	425	8	0	00	77
	425	15	0	01	34
	425	2	0	01	45
	425	1	0	02	24
	426	10	0	00	40

1	2	3	4	5	6
31. वेंगल	428	7ए	0	00	40
	237	1	0	03	00
	216	2के	0	03	40
	216	2जे	0	00	80
30. सेमबेडु	62	9	0	00	80
	62	8ए	0	01	14
	62	6	0	01	98
	63	9	0	00	59
	63	10	0	00	80
	63	12	0	00	69
	63	8	0	00	53
	64	10	0	00	40
	78	6	0	00	40
	78	7	0	00	40
	83	2	0	02	80
21. एराइयुर	4	2ए	0	12	20
	20	2सी	0	02	00
	20	1बी	0	01	11
7. सेंड्रामपल्याम	457	4	0	00	40

तालूका : तिरुतानि	जिला-तिरुवालुर	राज्य-तामिलनाडु			
गांव का नाम	सर्वेक्षण सं. खण्ड सं.	उप- खंड सं.	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
43. काञ्चिपाडि	38	11	0	10	24
41. पानापक्कम	39	4	0	02	60
	39	3	0	03	17
	39	6	0	00	70
40. नेडाम्बरम	44	5	0	01	10
35. आरुम्बक्कम	207	10	0	00	40
33. आरुंगुलम	250	—	0	04	00
	244	2	0	10	20
	244	4	0	07	00
25. थालावेडु	256	13बी	0	00	48
	256	14	0	01	36
	256	17	0	01	68
	256	18	0	02	40
	256	19बी	0	02	22
	257	15	0	00	40

1	2	3	4	5	6
25. थालावेडु	257	16	0	00	40
	159	3सी	0	02	48
26. पोन्नपाडि	161	9	0	02	50
14. आलामेलुमांगपुरम	274	5	0	01	53
	184	2ए	0	11	70
	184	2बी	0	08	80
	270	2सी	0	01	25
	270	2बी	0	00	80
	270	1ए	0	17	60
	270	2ए	0	14	25
15. मुरुक्काम्पाट्टु	9	7	0	00	40
	9	8	0	04	13
12. क्रिष्णासमुद्रम	201	10	0	04	25
	201	8	0	01	70
	10	4	0	01	58
	11	8सी	0	02	88
	11	8बी	0	05	60
	12	1	0	00	50

तालूका : पाल्लिपट	जिला-तिरुवालुर	राज्य-तामिलनाडु			
गांव का नाम	सर्वेक्षण सं. खण्ड सं.	उप- खंड सं.	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
19. रामसमुद्रम	12	3 ए 2	0	01	50
	12	3 ए 3	0	07	00
	12	3 ए 29	0	01	00
	12	3 ए 34	0	08	75
	12	3 ए 35	0	03	67
	12	3 ए 36	0	04	40
20. क्रिष्णाराजकुप्पम	209	12सी	0	01	50
	210	1ए	0	00	90

[सं. आर. 25011/11/2007 ओ.आर. 1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 11th November, 2010

S.O. 2828.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. No. 916 dated: 29-03-2010 issued under sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act)

the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali in the State of Tamilnadu to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited, for implementing the Chennai-Bangalore Pipeline Project.

And wherea, copies of the said notification s were made available to the public from 28-05-2010.

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government.

And whereas, the Central Government, after considering the said report is satisfied that the Right of User in the Land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the Right of User in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluk : Uthukottai District : Tiruvallur State : Tamil Nadu

Name of the Village	Survey No.	Sub Division No.	Hect-are	Are	Square meter
1	2	3	4	5	6
94. Annadhanakavakkam	207	3A	0	04	61
	278	3C	0	01	00
95. Madavilagam	269	3	0	01	00
	269	2	0	01	00
76. Perumudivakkam	54	2	0	01	00
74. Athangikavanur	85	2B2	0	01	00
	240	—	0	03	17
	238	2	0	01	32
	238	1	0	02	60
	221	1	0	00	74
	48	—	0	00	55
	47	—	0	00	80

1	2	3	4	5	6
73. Punnapakkam	6	2A	0	01	70
	6	1	0	03	50
	3	—	0	01	06
71. Mamballam	2	2	0	01	00
70. Kadharvedu	108	—	0	05	64
24. Meyyur	208	—	0	05	68
	657	1G	0	00	60
	657	1F	0	01	94
20. Korakkandhandalam	15	—	0	05	23
21. Devandavakkam	137	6	0	04	64
	142	1	0	05	04
	251	—	0	22	68
	140	—	0	07	00
	226	2	0	24	84
	226	1	0	10	80
	225	2	0	09	72
	225	1A	0	09	36
	224	5	0	08	64
	224	4A	0	08	57
	224	1	0	08	28
	235	2	0	00	80
	234	1	0	17	68
	250	1	0	02	63
19. Odappai	3	1B	0	06	80
	3	2B	0	03	24
	3	3A	0	00	59
	3	5A	0	01	80
	3	5B	0	00	40
	3	4B	0	01	58
	8	3	0	01	53
	8	4	0	01	43
	8	5	0	00	84
16. Attribakkam	230	1A1	0	00	72
13. Nambakkam	84	2	0	00	40
	136	11	0	00	98
	142	11	0	00	40
	135	10A	0	00	40
12. Nayapakkam	17	1	0	02	44
	17	2	0	02	13
	14	1A	0	00	88
	44	3	0	01	00
	189	3	0	02	00

Taluk : Tiruvallur	District : Tiruvallur		State : Tamil Nadu		
Name of the Village	Survey No.	Sub Division No.	Hect-are	Are	Square
1	2	3	4	5	6
31. Vengal	425	7	0	09	45
	425	8	0	00	77
	425	15	0	01	34
	425	2	0	01	45
	425	1	0	02	24
	426	10	0	00	40
	428	7A	0	00	40
	237	1	0	03	00
	216	2K	0	03	40
	216	2J	0	00	80
30. Sembedu	62	9	0	00	80
	62	8A	0	01	14
	62	6	0	01	98
	63	9	0	00	59
	63	10	0	00	80
	63	12	0	00	69
	63	8	0	00	53
	64	10	0	00	40
	78	6	0	00	40
	78	7	0	00	40
21. Erraiyur	83	2	0	02	80
	4	2A	0	12	20
	20	2C	0	02	00
7. Sendrayanpalayam	20	1B	0	01	11
	457	4	0	00	40

Taluk : Tiruttani	District : Tiruvallur		State : Tamil Nadu		
Name of the Village	Survey No.	Sub Division No.	Hect-are	Are	Square
1	2	3	4	5	6
43. Kanchipadi	38	11	0	10	24
41. Panapakkam	39	4	0	02	60
	39	3	0	03	17
	39	6	0	00	70
40. Nedumbaram	44	5	0	01	10

1	2	3	4	5	6
35. Arumbakkam	207	10	0	00	40
33. Arungulam	250		0	04	00
	244	2	0	10	20
	244	4	0	07	00
25. Thalavedu	256	13B	0	00	48
	256	14	0	01	56
	256	17	0	01	68
	256	18	0	02	40
	256	19B	0	02	22
	257	15	0	00	40
	257	16	0	00	40
26. Ponpadi	159	3C	0	02	48
	161	9	0	02	50
14. Alamelumanga-puram	274	5	0	01	53
	184	2A	0	11	70
	184	2B	0	08	80
	270	2C	0	01	25
	270	2B	0	00	80
	270	1A	0	17	60
15. Murukampattu	270	2A	0	14	25
	9	7	0	00	40
	9	8	0	04	13
12. Krishnasamudram	201	10	0	04	25
	201	8	0	01	70
	10	4	0	01	58
	11	8C	0	02	88
	11	8B	0	05	60
	12	1	0	00	50

Taluk : Pallipattu	District : Tiruvallur		State : Tamil Nadu		
Name of the Village	Survey No.	Sub Division No.	Hect-are	Are	Square
19. Ramasamudram	12	3A2	0	01	50
	12	3A3	0	07	00
	12	3A29	0	01	00
	12	3A34	0	08	75
	12	3A35	0	03	67
	12	3A36	0	04	40
20. Krishnamaraja-kuppam	209	12C	0	01	50
	210	1A	0	00	90

[E. No. R-25011/11/2007-O.R.-1]
B. K. DATTA, Under Secy.

नई दिल्ली, 12 नवम्बर, 2010

New Delhi, the 12th November, 2010

का.आ. 2829.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 1825 तारीख 19 मार्च, 2010, जो भारत के राजपत्र तारीख 24 जुलाई, 2010 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए बीना-कोटा पाइपलाइन परियोजना के माध्यम से भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी।

और उक्त राजपत्र की प्रतियाँ जनता को तारीख 25 सितम्बर, 2010 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाय, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कार्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : छबड़ा	जिला : बांरा	राज्य : राजस्थान	
क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1.	दीलोद	120	0.2000
		125	0.0700
2.	बीलखेड़ा	281	0.3600

[फा. सं. आर.-31015/10/2008-ओआर-II]

ए. गोस्वामी, अवर सचिव

S.O. 2829.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. No. 1825, dated the 19th July, 2010, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) published in the Gazette of India dated the 24th July, 2010, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying a pipeline for transportation of petroleum products through Bina-Kota Pipeline Project from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan by Bharat Petroleum Corporation Limited :

And whereas, the copies of the said Gazette notification were made available to the public on the 25th Sept., 2010.

And whereas, the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government :

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein :

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification, is hereby acquired for laying the pipeline:

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said Land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances, shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : Chhabra		District : Baran	State : Rajasthan
S. No.	Name of Village	Survery No.	Area in Hectare
1	2	3	4
1.	Dilod	120	0.2000
		125	0.0700
2.	Bilkheda	281	0.3600

[E. No. R-31015 10 2008-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 12 नवम्बर, 2010

का. आ. 2830.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि, मैसर्स रिलायंस इंडस्ट्रीज लिमिटेड के आंध्र प्रदेश में पूर्वी तट पर ऑनशोर टर्मिनल से देश के विभिन्न हिस्सों में स्थित उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा काकीनाडा-बासुदेबपुर-हावड़ा पाइपलाइन बिछाई जानी चाहिए;

और, भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि, उस भूमि में, जिसमें भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिमूचना में उपावद्ध अनुमूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधाग (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुमूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधाग (1) के अधीन जागी की गई अधिमूचना की प्रतियाँ साधारण जनता को उपलब्ध कर दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री वज्र किशोर पंडा, मक्षम प्राधिकारी, रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड, प्रथम मंजिल, फॉर्चुन टावर, चन्द्रशेखरपुर, भुवनेश्वर - 751023, आदिशा राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

मंडल/ तहसील/ तालुक बंगरमपुर	जिला बंगलूर	राज्य : ओडिशा		
गाँव का नाम	सर्वे सं / सब डिविजन सं	आर.ओ.यू अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि एयर
1	2	3	4	5
1) गुंथुबंध	411	00	01	54
	410	00	13	33
	407	00	05	78
	409	00	01	64
	408	00	21	08
	404	00	06	02
	401	00	12	84
	400	00	11	40
	398	00	01	82
	397	00	03	74
	396	00	00	69
	395	00	01	95
	387	00	01	14
	370	00	37	87
	366	00	00	14
	369	00	08	39
	368	00	14	95
	161	00	20	00
	160	00	09	89
	159	00	01	54
	158	00	04	54

1	2	3	4	5
1) गुंथुबंध (निरंतर)	156	00	00	68
	586	00	05	59
	585	00	00	10
	590	00	00	77
	136	00	03	85
	588	00	02	31
	157	00	01	85
	584	00	02	35
	587	00	02	93
	135	00	02	59
	137	00	08	16
	134	00	01	81
	133	00	10	64
	118	00	09	44
	117	00	88	82
	82	00	14	58
	168	00	05	27
	169	00	03	72
	81	00	18	04
	79	00	05	35
	80	00	02	88
	172	00	09	33
	58	00	03	29
	57	00	01	90
	56	00	02	59
	173	00	00	36
	174	00	00	25
	175	00	00	22
	55/550	00	01	73
	176	00	17	73
	183	00	20	76
	184	00	07	90
	185	00	02	15
	653	00	01	93
	658	00	10	25
	186	00	46	80
	659	00	34	52
	187	00	30	37
	497	00	01	39
	498	00	01	05
	499	00	03	24
	160 (मर्वे में 82 और 168 के बीच)	00	04	63
2) दक्षिणापुर	931	00	01	67
	932	00	00	91
	934	00	12	95
	965	00	00	10
	964	00	06	24
	963	00	01	57
	957	00	04	43

1	2	3	4	5
2) दक्षिणापुर (निरंतर)	954	00	01	65
	959	00	00	21
	958	00	01	69
	956	00	04	23
	955	00	02	24
	940	00	01	76
	944	00	01	13
	947	00	01	97
	948	00	01	70
	946	00	01	25
	945	00	00	68
	980	00	00	11
	981	00	06	94
	982	00	08	50
	987	00	06	36
	1024	00	06	63
	1029	00	00	83
	1026	00	00	98
	1025	00	04	45
	1016	00	09	63
	1035	00	14	39
	1038	00	04	98
	1039	00	00	32
	1042	00	17	11
	1458	00	00	10
	1456	00	11	16
	1457	00	11	74
	1110	00	05	82
	1111	00	06	59
	1112	00	01	61
	1128	00	02	65
	1127	00	04	12
	1113	00	02	21
	1124	00	00	38
	1123	00	00	10
	1125	00	03	13
	1126	00	02	28
	1130	00	04	31
	1121	00	04	38
	1120	00	01	82
	1131	00	06	26
	1133	00	01	32
	1132	00	03	78
	336	00	00	36
	331	00	06	89
	1134	00	00	10
	332	00	00	57
	330	00	07	86
	329	00	02	50

1	2	3	4	5
2) दक्षिणापुर (निरंतर)	328	00	03	28
	327	00	02	24
	326	00	02	58
	321	00	00	10
	320	00	04	54
	319	00	03	89
	318	00	06	10
	1249	00	03	96
	1042/1459	00	01	93
3) अंकुशपुर	3139	00	00	25
	3138	00	07	27
	3107	00	07	48
	3137	00	01	84
	3136	00	05	78
	3412	00	01	83
	3135	00	15	45
	3117	00	06	80
	3118	00	09	47
	3134	00	02	79
	3130	00	16	26
	3121	00	00	56
	3128	00	09	59
	3122	00	06	39
	3126	00	02	82
	3125	00	06	05
	3124	00	07	47
	3050	00	00	20
	3049	00	03	91
	3047	00	00	10
	3046	00	02	52
	3171	00	00	19
	3172	00	03	01
	3045	00	03	78
	2692	00	01	65
	3173	00	02	32
	3044	00	01	76
	3043	00	01	85
	2693	00	11	38
	2694	00	01	55
	2695	00	05	84
	2696	00	02	89
	2698	00	00	55
	2697	00	03	30
	2703	00	06	31

1	2	3	4	5
3) अंकुशपुर (निरंतर)	3930	00	01	44
	2711	00	11	02
	2716	00	13	37
	2717	00	28	36
	2719	00	02	26
	2718	00	31	57
	3030	00	02	86
	3379	00	11	10
	3006	00	08	82
	3303	00	17	12
	3000	00	22	51
	3001	00	01	34
	2975	00	05	48
	2987	00	00	10
	2986	00	01	76
	2985	00	01	13
	2984	00	03	48
	2983	00	01	97
	2982	00	02	34
	2979	00	01	28
	2981	00	01	05
	2980	00	02	08
	2977	00	02	91
	2989	00	08	30
	2966	00	24	15
	2968	00	00	81
	2967	00	00	43
	2832	00	02	14
	2965	00	01	14
	2833	00	09	72
	2834	00	01	92
	2839	00	01	20
	2846	00	02	75
	2915	00	00	62
	2914	00	03	40
	2907	00	01	97
	2912	00	05	04
	2908	00	00	10
	2913	00	25	47
	2911	00	18	42
	2909	00	01	05
	2910	00	02	50

1	2	3	4	5
3) अंकुशपुर (निरंतर)	3396	00	01	00
	2919	00	01	01
	2891	00	16	40
	3938	00	07	81
	2890	00	24	86
	2889	00	02	35
	2888	00	01	77
	2887	00	02	79
	2884	00	30	26
	2883	00	02	07
	2882	00	30	03
	2881	00	01	69
	2878	00	06	47
	2877	00	03	71
	2876	00	14	93
	2875	00	00	31
4) कृपासिंधुपुर	1441	00	01	97
	1442	00	07	99
	1444	00	22	84
	1445	00	28	95
	1446	00	00	30
	1456	00	21	35
	1455	00	14	82
	1454	00	00	10
	1457	00	01	43
	1460	00	13	63
	1461	00	02	64
	1463	00	02	80
	1464	00	04	29
	1465	00	01	61
	1613	00	10	77
	1614	00	00	58
	1615	00	08	82
	1616	00	06	14
	1617	00	09	12
	1618	00	03	43
	1619	00	02	40
	1605	00	04	34
	1604	00	04	44
	1603	00	08	13
	1602	00	01	38
	1598	00	00	78

1	2	3	4	5
4) कृपासिंधुपुर (निरंतर)	1597	00	13	94
	1594	00	00	10
	1595	00	00	10
	1596	00	02	85
	1548	00	02	38
	1549	00	11	54
	1550	00	01	05
	1551	00	02	54
	1527	00	07	48
	1552	00	02	61
	1553	00	01	42
	1554	00	01	04
	1555	00	08	79
	1526	00	04	11
	1528	00	00	10
	1525	00	00	74
	1520	00	02	35
	1519	00	17	59
	1511	00	00	91
	1510	00	05	03
	1509	00	00	40
	1375	00	02	02
	1364	00	07	71
	1363	00	01	18
	1359	00	03	65
	1362	00	00	80
	1361	00	03	87
	1360	00	04	24
	1357	00	00	10
	1334	00	03	70
	1356	00	00	85
	1355	00	00	76
	1335	00	01	72
	1336	00	01	60
	1337	00	01	15
	1341	00	00	85
	1342	00	02	38
	1343	00	06	86
	1347	00	06	79
	1346	00	05	95
	669	00	06	07
	670	00	02	46

1	2	3	4	5
4) कृपासिंधुपुर (निरंतर)	671	00	08	81
	660	00	00	10
	672	00	11	25
	673	00	05	65
	674	00	07	33
	677	00	04	03
	675	00	03	97
	676	00	06	37
	684	00	02	90
	685	00	08	26
	686	00	00	10
	687	00	08	44
	798	00	00	10
	693	00	00	97
	692	00	00	66
	691	00	01	80
	688	00	04	42
	797	00	01	64
	796	00	01	29
	689	00	04	43
	793	00	03	51
	792	00	10	05
	707	00	01	39
	768	00	03	55
	767	00	00	57
	766	00	01	24
	791	00	00	82
	769	00	04	88
	770	00	00	11
	771	00	02	12
	774	00	06	78
	773	00	00	55
	765	00	01	39
	764	00	01	11
	763	00	00	35
	760	00	00	40
	775	00	05	76
	776	00	06	63
	751	00	00	52
	750	00	00	10
	749	00	10	39
	752	00	12	80

1	2	3	4	5
4) कृपासिंधुपुर (निरंतर)	758	00	00	17
	757	00	05	70
	745	00	01	40
	746	00	01	51
	744	00	02	66
	743	00	01	78
5) मसीयाखली	661	00	15	03
	660	00	12	57
	1101	00	11	45
	551	00	04	30
	548	00	02	00
	550	00	04	36
	533	00	05	38
	554	00	04	57
	555	00	01	73
	556	00	01	25
	557	00	01	30
	558	00	02	50
	559	00	01	03
	528	00	01	10
	529	00	00	38
	527	00	04	51
	565	00	06	15
	564	00	00	10
	522	00	07	04
	526	00	00	10
	525	00	00	84
	524	00	02	11
	523	00	05	56
	681	00	00	10
	621	00	00	39
	521	00	04	22
	682	00	00	92
	520	00	03	98
	519	00	02	78
	515	00	00	10
	518	00	02	43
	517	00	01	71
	516	00	00	37
	513	00	00	79
	511	00	02	07
	510	00	00	90

1	2	3	4	5
5) मसीयाखली (निरंतर)	512	00	01	61
	509	00	01	01
	508	00	00	77
	506	00	01	12
	505	00	00	79
	504	00	04	04
	503	00	00	10
	507	00	01	65
	1046	00	02	06
	1045	00	01	40
	502	00	01	43
	1020	00	02	15
	499	00	01	86
	501	00	01	85
	500	00	01	85
	494	00	00	83
	495	00	03	03
	496	00	03	29
	1019	00	00	84
	1018	00	00	41
	1017	00	00	10
	1111	00	01	65
	481	00	03	30
	482	00	00	62
	477	00	02	13
	478	00	12	43
	460	00	04	16
	953	00	18	48
	179	00	02	12
	295	00	09	43
	297	00	07	45
	298	00	13	51
	286	00	00	32
	285	00	05	62
	284	00	01	24
	1306	00	32	09
	300	00	04	35
	1040	00	03	52
	307	00	03	79
	308	00	07	95
	1036	00	04	67
	309	00	15	19

1	2	3	4	5
5) मसीयाखली (निरंतर)	1118	00	03	87
	267	00	36	30
	256	00	25	07
	1073	00	01	30
	254	00	20	92
6) दयापली	2070	00	02	67
	2088	00	15	25
	2087	00	00	10
	2089	00	00	48
	2080	00	02	99
	2092	00	10	18
	2095	00	05	89
	2096	00	15	64
	2098	00	03	28
	2109	00	03	77
	2110	00	02	87
	2111	00	00	76
	2112	00	00	10
	2113	00	00	10
	2108	00	07	42
	2107	00	03	10
	2106	00	11	07
	2105	00	04	92
	2104	00	10	13
	2114	00	00	12
	2030	00	03	10
	2154	00	02	60
	2153	00	06	60
	2160	00	35	93
	2164	00	05	01
	2166	00	00	10
	2163	00	07	58
	2162	00	01	74
	2168	00	01	93
	2137	00	02	00
	2136	00	05	34
	2182	00	05	26
	2183	00	01	99
	2401	00	08	21
	2422	00	00	12
	2421	00	17	24
	2420	00	00	85

1	2	3	4	5
6) दयापली (निरंतर)	2417	00	17	21
	2451	00	17	44
	2452	00	04	68
	2453	00	00	80
	2449	00	02	02
	2450	00	06	23
	2474	00	01	33
	2476	00	14	49
	2477	00	01	82
	2480	00	06	06
	2481	00	00	80
	2478	00	03	46
	2479	00	08	52
	2527	00	03	56
	2532	00	03	44
	2531	00	00	78
	3713	00	02	14
	2534	00	00	29
	2533	00	15	65
	2539	00	00	22
	2538	00	01	00
	2537	00	03	16
	2535	00	00	10
	2536	00	05	37
	4013	00	25	44
	2616	00	04	39
	2617	00	01	56
	2618	00	05	22
	2615	00	01	03
	2620	00	07	67
	2621	00	00	10
	2623	00	08	30
	2624	00	01	39
	2657	00	00	90
	2658	00	02	78
	2659	00	02	88
	2660	00	02	97
	2661	00	00	66
	2662	00	01	66
	2663	00	00	23
	2656	00	03	73
	2691	00	01	65

1	2	3	4	5
6) दयापत्नी (निरंतर)	2695	00	05	17
	2696	00	02	42
	2698	00	00	79
	2699	00	06	57
	2694	00	04	30
	2701	00	01	65
	2702	00	00	12
	2700	00	04	88
	2714	00	00	20
	2713	00	05	33
	2710	00	01	06
	2711	00	03	15
	2712	00	04	11
	2785	00	00	11
	2786	00	05	84
	3325	00	03	44
	3324	00	00	81
	3323	00	06	28
	3322	00	03	24
	3320	00	09	75
	3319	00	01	21
	3334	00	01	75
	3318	00	04	51
	3317	00	01	89
	3316	00	00	65
	3288	00	04	57
	3290	00	00	39
	3289	00	01	68
	3291	00	00	18
	3287	00	00	20
	3285	00	04	69
	3284	00	05	11
	3295	00	05	81
	3296	00	00	99
	3297	00	00	10
	3283	00	01	40
	3282	00	06	34
	2979	00	04	17
	3281	00	03	89
	2981	00	03	18
	2980	00	01	66
	2978	00	01	55

CSC

1	2	3	4	5
6) दयापली (निरंतर)	2977	00	01	23
	2976	00	00	75
	2975	00	00	10
	2982	00	04	65
	2983	00	02	59
	3014	00	12	71
	3013	00	00	10
	3012	00	01	12
	3010	00	00	36
	3008	00	00	38
	3015	00	01	33
	3019	00	04	43
	3018	00	04	10
	3020	00	10	60
	3021	00	07	10
	3022	00	10	86
	3023	00	04	93
	3048	00	00	10
	3049	00	04	30
	3050	00	05	46
	3051	00	04	81
	3052	00	01	46
	3061	00	01	32
	3072	00	01	46
	3943	00	00	24
	3984	00	01	78
	3985	00	05	21
	3983	00	00	98
	3982	00	01	83
	3981	00	01	87
	3980	00	02	09
	3979	00	01	97
	3978	00	01	60
	3977	00	00	81
	3976	00	00	50
	3975	00	00	10
	3947	00	00	10
	3948	00	00	35
	3949	00	00	62
	3950	00	00	63
	3951	00	01	48
	3952	00	01	30

1	2	3	4	5
6) दयापली (निरंतर)	3953	00	01	05
	3954	00	00	97
	3955	00	01	01
	3956	00	00	89
	3957	00	00	96
	3958	00	00	42
	3959	00	00	10
	3922	00	02	37
	3923	00	01	90
	3924	00	01	92
	3925	00	01	85
	3926	00	15	08
	3898	00	00	10
	3897	00	00	20
	3896	00	00	85
	3895	00	00	61
	3894	00	00	82
	3893	00	00	97
	3892	00	01	20
	3891	00	01	33
	3890	00	03	02
	3889	00	02	17
	3888	00	02	32
	3887	00	03	32
	3886	00	02	40
	3885	00	02	27
	3884	00	02	20
	3883	00	02	89
	3882	00	01	93
	3881	00	01	81
	3880	00	02	75
	3879	00	01	93
	3878	00	02	61
	3877	00	02	57
	3876	00	02	10
	3875	00	01	83
	3874	00	02	17
	3873	00	02	03
	3872	00	01	30
	3871	00	02	44
	3870	00	02	25
	3869	00	01	83

1	2	3	4	5
6) दयापली (निरंतर)	3857	00	00	10
	3856	00	01	31
	3855	00	03	13
	3854	00	02	84
	3853	00	01	44
	3852	00	02	77
	3851	00	00	51
	3842	00	01	54
	3841	00	00	10
7) महुलापल्ली	1783	00	12	32
	208	00	05	78
	220	00	24	88
	206	00	08	64
	205	00	03	22
	191	00	19	37
	190	00	03	40
	188	00	01	3^
	189/1471	00	09	56
	189	00	14	30
	175	00	03	46
	174	00	02	49
	173	00	08	67
	172	00	00	26
	171	00	01	59
	170	00	07	65
	169	00	01	22
	168	00	09	82
	85	00	23	02
	1578	00	09	73
	163	00	09	80
	1572	00	00	26
	87	00	16	09
	88	00	01	58
	74	00	15	74
	1505	00	02	19
	73	00	01	34
	42	00	08	52
	369/1438	00	04	06
	45	00	01	74
	46	00	03	99
	44	00	07	37
	36	00	00	37

1	2	3	4	5
7) महुलापल्ली (निरंतर)	50	00	09	98
	57	00	03	89
	51	00	03	37
	52	00	07	24
	28	00	03	32
	27	00	14	75
	19	00	09	65
	20	00	04	74
	23	00	00	47
	21	00	02	84
	17	00	01	66
	16	00	00	10
	426	00	04	26
	425	00	01	61
	429	00	00	10
	427	00	06	39
	428	00	06	79
8) बरापली	1255	00	00	98
	1256	00	01	20
	1254	00	02	14
	1257	00	06	53
	1258	00	07	77
	1261	00	00	28
	1260	00	13	28
	1267	00	00	14
	1268	00	00	77
	1269	00	05	66
	1157	00	07	40
	1270	00	00	10
	1156	00	10	29
	1163	00	00	63
	1155	00	12	07
	1138	00	02	06
	1154	00	06	00
	1139	00	04	04
	1140	00	01	26
	1141	00	00	71
	1142	00	00	64
	1143	00	00	82
	1144	00	00	70
	1145	00	00	10
	1134	00	07	83

1	2	3	4	5
8) बरापली (निरंतर)	1135	00	03	96
	1133	00	06	69
	1130	00	05	23
	1131	00	02	13
	329	00	00	66
	1129	00	04	14
	330	00	00	15
	332	00	04	80
	331	00	00	10
	1127	00	00	96
	333	00	01	00
	1126	00	00	10
	255	00	01	91
	256	00	02	37
	254	00	04	37
	334	00	02	27
	339	00	03	18
	336	00	00	10
	337	00	00	77
	338	00	03	92
	340	00	01	83
	341	00	01	29
	253	00	00	27
	342	00	01	14
	343	00	07	15
	346	00	00	10
	345	00	00	74
	344	00	01	70
	389	00	00	45
	348	00	00	10
	377	00	15	40
	374	00	01	20
	373	00	01	53
	372	00	02	07
	371	00	04	79
	370	00	03	42
	3091	00	00	57
	369	00	00	58
	361	00	02	00
	362	00	04	52
	363	00	01	06
	356	00	01	98

1	2	3	4	5
8) बरापली (निरंतर)	357	00	02	63
	353	00	00	10
	354	00	05	09
	355	00	00	85
	434	00	00	10
	433	00	00	40
	432	00	01	08
	3100	00	03	55
	430	00	06	30
	3099	00	03	74
	468	00	01	78
	469	00	04	45
	487	00	01	04
	484	00	11	88
	470	00	01	87
	482	00	01	18
	483	00	02	57
	481	00	07	04
	479	00	01	17
	480	00	05	18
	553	00	05	01

मंडल/ तहसिल/ तालुक इतिजलिकाटु	जिला गंगम	गज्य आडिशा
1) दुरबंघा	4931	00 07 14

[फा सं. एल.-14014/55/2010- जी.पी.]

स्नेह प्रभा मदान, अवर सचिव

New Delhi, the 12th November, 2010

S. O. 2830.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from onshore terminal at East coast of Andhra Pradesh of M/s. Reliance Industries Limited to consumers in various parts of the country, Kakinada-Basudebpur-Howrah pipeline should be laid by M/s. Relogistics Infrastructure Limited;

And whereas, it appears to Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the Right of User therein for laying the pipeline under the Land to Shri Braja Kishore Panda, Competent Authority, Relogistics Infrastructure Limited, 1st Floor, Fortune Tower, Chandrasekharpur, Bhubaneswar - 751023, Orissa State.

Schedule

Mandal/Tehsil/Taluk:Berhampur		District:Ganjam		State:Orissa	
Village	Survey No./Sub-Division	Area to be acquired for			
		Hec	Are	C-Are	
1	2	3	4	5	
1) Gunthubandh	411	00	01	54	
	410	00	13	33	
	407	00	05	78	
	409	00	01	64	
	408	00	21	08	
	404	00	06	02	
	401	00	12	84	
	400	00	11	40	
	398	00	01	82	
	397	00	03	74	
	396	00	00	69	
	395	00	01	95	
	387	00	01	14	
	370	00	37	87	
	366	00	00	14	
	369	00	08	39	
	368	00	14	95	
	161	00	20	00	
	160	00	09	89	
	159	00	01	54	
	158	00	04	54	
	156	00	00	68	
	586	00	05	59	
	585	00	00	10	
	590	00	00	77	
	136	00	03	85	
	588	00	02	31	
	157	00	01	85	
	584	00	02	35	
	587	00	02	93	
	135	00	02	59	
	137	00	08	16	
	134	00	01	81	
	133	00	10	64	
	118	00	09	44	
	117	00	88	82	
	82	00	14	58	

1	2	3	4	5
1) Ganthubandh (Contd)	168	00	05	27
	169	00	03	72
	81	00	18	04
	79	00	05	35
	80	00	02	88
	172	00	09	33
	58	00	03	29
	57	00	01	90
	56	00	02	59
	173	00	00	36
	174	00	00	25
	175	00	00	22
	55/550	00	01	73
	176	00	17	73
	183	00	20	76
	184	00	07	90
	185	00	02	15
	653	00	01	93
	658	00	10	25
	186	00	46	80
	659	00	34	52
	187	00	30	37
	497	00	01	39
	498	00	01	05
	499	00	03	24
	160(In bet Suy no. 82 & 168)	00	04	63
2) Dakshinapur	931	00	01	67
	932	00	00	91
	934	00	12	95
	965	00	00	10
	964	00	06	24
	963	00	01	57
	957	00	04	43
	954	00	01	65
	959	00	00	21
	958	00	01	69
	956	00	04	23
	955	00	02	24
	940	00	01	76
	944	00	01	13
	947	00	01	97
	948	00	01	70

1	2	3	4	5
2) Dakshinapur (Contd)	946	00	01	25
	945	00	00	68
	980	00	00	11
	981	00	06	94
	982	00	08	50
	987	00	06	36
	1024	00	06	63
	1029	00	00	83
	1026	00	00	98
	1025	00	04	45
	1016	00	09	63
	1035	00	14	39
	1038	00	04	98
	1039	00	00	32
	1042	00	17	11
	1458	00	00	10
	1456	00	11	16
	1457	00	11	74
	1110	00	05	82
	1111	00	06	59
	1112	00	01	61
	1128	00	02	65
	1127	00	04	12
	1113	00	02	21
	1124	00	00	38
	1123	00	00	10
	1125	00	03	13
	1126	00	02	28
	1130	00	04	31
	1121	00	04	38
	1120	00	01	82
	1131	00	06	26
	1133	00	01	32
	1132	00	03	78
	336	00	00	36
	331	00	06	89
	1134	00	00	10
	332	00	00	57
	330	00	07	86
	329	00	02	50
	328	00	03	28
	327	00	02	24

1	2	3	4	5
2) Dakshinapur (Contd)	326	00	02	58
	321	00	00	10
	320	00	04	54
	319	00	03	89
	318	00	06	10
	1249	00	03	96
	1042/1459	00	01	93
3) Ankushpur	3139	00	00	25
	3138	00	07	27
	3107	00	07	48
	3137	00	01	84
	3136	00	05	78
	3412	00	01	83
	3135	00	15	45
	3117	00	06	80
	3118	00	09	47
	3134	00	02	79
	3130	00	16	26
	3121	00	00	56
	3128	00	09	59
	3122	00	06	39
	3126	00	02	82
	3125	00	06	05
	3124	00	07	47
	3050	00	00	20
	3049	00	03	91
	3047	00	00	10
	3046	00	02	52
	3171	00	00	19
	3172	00	03	01
	3045	00	03	78
	2692	00	01	65
	3173	00	02	32
	3044	00	01	76
	3043	00	01	85
	2693	00	11	38
	2694	00	01	55
	2695	00	05	84
	2696	00	02	89
	2698	00	00	55
	2697	00	03	30
	2703	00	06	31

1	2	3	4	5
3) Ankushpur (Contd)	3930	00	01	44
	2711	00	11	02
	2716	00	13	37
	2717	00	28	36
	2719	00	02	26
	2718	00	31	57
	3030	00	02	86
	3379	00	11	10
	3006	00	08	82
	3303	00	17	12
	3000	00	22	51
	3001	00	01	34
	2975	00	05	48
	2987	00	00	10
	2986	00	01	76
	2985	00	01	13
	2984	00	03	48
	2983	00	01	97
	2982	00	02	34
	2979	00	01	28
	2981	00	01	05
	2980	00	02	08
	2977	00	02	91
	2989	00	08	30
	2966	00	24	15
	2968	00	00	81
	2967	00	00	43
	2832	00	02	14
	2965	00	01	14
	2833	00	09	72
	2834	00	01	92
	2839	00	01	20
	2846	00	02	75
	2915	00	00	62
	2914	00	03	40
	2907	00	01	97
	2912	00	05	04
	2908	00	00	10
	2913	00	25	47
	2911	00	18	42
	2909	00	01	05
	2910	00	02	50

1	2	3	4	5
3) Ankushpur (Contd)	3396	00	01	00
	2919	00	01	01
	2891	00	16	40
	3938	00	07	81
	2890	00	24	80
	2889	00	02	35
	2888	00	01	77
	2887	00	02	79
	2884	00	30	76
	2883	00	01	07
	2882	00	30	00
	2881	00	01	09
	2878	00	00	47
	2877	00	00	41
	2876	00	10	00
	2875	00	00	81
4) Kharasindhapur	1441	00	01	00
	1442	00	07	00
	1444	00	22	01
	1445	00	28	00
	1446	00	00	00
	1456	00	21	00
	1455	00	14	07
	1454	00	00	10
	1457	00	01	00
	1460	00	13	00
	1461	00	01	01
	1463	00	02	00
	1464	00	04	00
	1465	00	01	01
	1613	00	10	00
	1614	00	00	00
	1615	00	08	02
	1616	00	06	04
	1617	00	09	12
	1618	00	03	13
	1619	00	02	40
	1605	00	04	01
	1604	00	01	14
	1603	00	08	13
	1602	00	01	38
	1598	00	00	78

1	2	3	4	5
Superintendent of Police	1597	00	13	94
	1594	00	00	10
	1595	00	00	10
	1596	00	02	85
	1548	00	02	38
	1549	00	11	54
	1550	00	01	05
	1551	00	02	54
	1527	00	07	48
	1552	00	02	61
	1553	00	01	32
	1554	00	01	04
	1555	00	08	79
	1526	00	04	11
	1528	00	00	10
	1525	00	00	74
	1520	00	02	35
	1519	00	17	59
	1511	00	00	91
	1510	00	05	03
	1509	00	00	40
	1375	00	02	02
	1364	00	07	71
	1363	00	01	18
	1359	00	03	65
	1362	00	00	80
	1361	00	03	87
	1360	00	04	24
	1357	00	00	10
	1334	00	03	79
	1356	00	00	85
	1355	00	00	76
	1335	00	01	72
	1336	00	01	60
	1337	00	01	15
	1341	00	00	85
	1342	00	02	38
	1343	00	06	86
	1347	00	06	79
	1346	00	05	95
	669	00	06	07
	670	00	02	46

1	2	3	4	5
4) Krupasindhapur (Contd)	671	00	08	81
	660	00	00	10
	672	00	11	25
	673	00	05	65
	674	00	07	33
	677	00	04	03
	675	00	03	97
	676	00	06	37
	684	00	02	90
	685	00	08	26
	686	00	00	10
	687	00	08	44
	798	00	00	10
	693	00	00	97
	692	00	00	66
	691	00	01	80
	688	00	04	42
	797	00	01	64
	796	00	01	29
	689	00	04	43
	793	00	03	51
	792	00	10	05
	707	00	01	39
	768	00	03	55
	767	00	00	57
	766	00	01	24
	791	00	00	82
	769	00	04	88
	770	00	00	11
	771	00	02	12
	774	00	06	78
	773	00	00	55
	765	00	01	39
	764	00	01	11
	763	00	00	35
	760	00	00	40
	775	00	05	76
	776	00	06	63
	751	00	00	52
	750	00	00	10
	749	00	10	39
	752	00	12	80

1	2	3	4	5
4) Krupasindhupur (Contd)	758	00	00	17
	757	00	05	70
	745	00	01	40
	746	00	01	51
	744	00	02	66
	743	00	01	78
5) Masiakhali	661	00	15	03
	660	00	12	57
	1101	00	11	45
	551	00	04	30
	548	00	02	00
	550	00	04	36
	533	00	05	38
	554	00	04	57
	555	00	01	73
	556	00	01	25
	557	00	01	30
	558	00	02	50
	559	00	01	03
	528	00	01	10
	529	00	00	38
	527	00	04	51
	565	00	06	15
	564	00	00	10
	522	00	07	04
	526	00	00	10
	525	00	00	84
	524	00	02	11
	523	00	05	56
	681	00	00	10
	621	00	00	39
	521	00	04	22
	682	00	00	92
	520	00	03	98
	519	00	02	78
	515	00	00	10
	518	00	02	43
	517	00	01	71
	516	00	00	37
	513	00	00	79
	511	00	02	07
	510	00	00	90

1	2	3	4	5
5) Masiakhali (Contd)	512	00	01	61
	509	00	01	01
	508	00	00	77
	506	00	01	12
	505	00	00	79
	504	00	04	04
	503	00	00	10
	507	00	01	65
	1046	00	02	06
	1045	00	01	40
	502	00	01	43
	1020	00	02	15
	499	00	01	86
	501	00	01	85
	500	00	01	85
	494	00	00	83
	495	00	03	03
	496	00	03	29
	1019	00	00	84
	1018	00	00	41
	1017	00	00	10
	1111	00	01	65
	481	00	03	30
	482	00	00	62
	477	00	02	13
	478	00	12	43
	460	00	04	16
	953	00	18	48
	179	00	02	12
	295	00	09	43
	297	00	07	45
	298	00	13	51
	286	00	00	32
	285	00	05	62
	284	00	01	24
	1306	00	32	09
	300	00	04	35
	1040	00	03	52
	307	00	03	79
	308	00	07	95
	1036	00	04	67
	309	00	15	19

1	2	3	4	5
5) Masiakhali (Contd)	1118	00	03	87
	267	00	36	30
	256	00	25	07
	1073	00	01	30
	254	00	20	92
6) Dayapali	2070	00	02	67
	2088	00	15	25
	2087	00	00	10
	2089	00	00	48
	2080	00	02	99
	2092	00	10	18
	2095	00	05	89
	2096	00	15	64
	2098	00	03	28
	2109	00	03	77
	2110	00	02	87
	2111	00	00	76
	2112	00	00	10
	2113	00	00	10
	2108	00	07	42
	2107	00	03	10
	2106	00	11	07
	2105	00	04	92
	2104	00	10	13
	2114	00	00	12
	2030	00	03	10
	2154	00	02	60
	2153	00	06	60
	2160	00	35	93
	2164	00	05	01
	2166	00	00	10
	2163	00	07	58
	2162	00	01	74
	2168	00	01	93
	2137	00	02	00
	2136	00	05	34
	2182	00	05	26
	2183	00	01	99
	2401	00	08	21
	2422	00	00	12
	2421	00	17	24
	2420	00	00	85

1	2	3	4	5
6) Dayapali (Contd)	2417	00	17	21
	2451	00	17	44
	2452	00	04	68
	2453	00	00	80
	2449	00	02	02
	2450	00	06	23
	2474	00	01	33
	2476	00	14	49
	2477	00	01	82
	2480	00	06	06
	2481	00	00	80
	2478	00	03	46
	2479	00	08	52
	2527	00	03	56
	2532	00	03	44
	2531	00	00	78
	3713	00	02	14
	2534	00	00	29
	2533	00	15	65
	2539	00	00	22
	2538	00	01	00
	2537	00	03	16
	2535	00	00	10
	2536	00	05	37
	4013	00	25	44
	2616	00	04	39
	2617	00	01	56
	2618	00	05	22
	2615	00	01	03
	2620	00	07	67
	2621	00	00	10
	2623	00	08	30
	2624	00	01	39
	2657	00	00	90
	2658	00	02	78
	2659	00	02	88
	2660	00	02	97
	2661	00	00	66
	2662	00	01	66
	2663	00	00	23
	2656	00	03	73
	2691	00	01	65

1	2	3	4	5
6) Davapah (Contd)	2695	00	05	17
	2696	00	02	42
	2698	00	00	79
	2699	00	06	57
	2694	00	04	30
	2701	00	01	65
	2702	00	00	12
	2700	00	04	88
	2714	00	00	20
	2713	00	05	33
	2710	00	01	06
	2711	00	03	15
	2712	00	04	11
	2785	00	00	11
	2786	00	05	84
	3325	00	03	44
	3324	00	00	81
	3323	00	06	28
	3322	00	03	24
	3320	00	09	75
	3319	00	04	21
	3334	00	01	75
	3318	00	04	51
	3317	00	01	89
	3316	00	00	65
	3288	00	04	57
	3290	00	00	39
	3289	00	01	68
	3291	00	00	18
	3287	00	00	20
	3285	00	04	69
	3284	00	05	11
	3295	00	05	81
	3296	00	00	99
	3297	00	00	10
	3283	00	01	40
	3282	00	06	34
	2979	00	04	17
	3281	00	03	89
	2981	00	03	18
	2980	00	01	66
	2978	00	01	55

1	2	3	4	5
6) Davapah (Contd)	2977	00	01	23
	2976	00	00	75
	2975	00	00	10
	2982	00	04	65
	2983	00	02	59
	3014	00	12	71
	3013	00	00	16
	3012	00	01	12
	3010	00	00	36
	3008	00	00	38
	3015	00	01	33
	3019	00	04	43
	3018	00	04	10
	3020	00	10	60
	3021	00	07	10
	3022	00	10	86
	3023	00	04	93
	3048	00	00	10
	3049	00	04	30
	3050	00	05	46
	3051	00	04	81
	3052	00	01	46
	3061	00	01	32
	3072	00	01	46
	3943	00	00	24
	3984	00	01	78
	3985	00	05	21
	3983	00	00	98
	3982	00	01	83
	3981	00	01	87
	3980	00	02	09
	3979	00	01	97
	3978	00	01	60
	3977	00	00	81
	3976	00	00	50
	3975	00	00	10
	3947	00	00	10
	3948	00	00	35
	3949	00	00	62
	3950	00	00	63
	3951	00	01	48
	3952	00	01	30

1	2	3	4	5
6) Davapali (Contd)	3953	00	01	05
	3954	00	00	97
	3955	00	01	01
	3956	00	00	89
	3957	00	00	96
	3958	00	00	42
	3959	00	00	10
	3922	00	02	37
	3923	00	01	90
	3924	00	01	92
	3925	00	01	85
	3926	00	15	08
	3898	00	00	10
	3897	00	00	20
	3896	00	00	85
	3895	00	00	61
	3894	00	00	82
	3893	00	00	97
	3892	00	01	20
	3891	00	01	33
	3890	00	03	02
	3889	00	02	17
	3888	00	02	32
	3887	00	03	32
	3886	00	02	40
	3885	00	02	27
	3884	00	02	20
	3883	00	02	89
	3882	00	01	93
	3881	00	01	81
	3880	00	02	75
	3879	00	01	93
	3878	00	02	61
	3877	00	02	57
	3876	00	02	10
	3875	00	01	83
	3874	00	02	17
	3873	00	02	03
	3872	00	01	30
	3871	00	02	44
	3870	00	02	25
	3869	00	01	83

1	2	3	4	5
6) Dayapali (Contd)	3857	00	00	10
	3856	00	01	31
	3855	00	03	13
	3854	00	02	84
	3853	00	01	44
	3852	00	02	77
	3851	00	00	51
	3842	00	01	54
	3841	00	00	10
7) Mahulapalli	1783	00	12	32
	208	00	05	78
	220	00	24	88
	206	00	08	64
	205	00	03	22
	191	00	19	37
	190	00	03	40
	188	00	01	30
	189/1471	00	09	56
	189	00	14	30
	175	00	03	46
	174	00	02	49
	173	00	08	67
	172	00	00	26
	171	00	01	59
	170	00	07	65
	169	00	01	22
	168	00	09	82
	85	00	23	02
	1578	00	09	73
	163	00	09	80
	1572	00	00	26
	87	00	16	09
	88	00	01	58
	74	00	15	74
	1505	00	02	19
	73	00	01	34
	42	00	08	52
	369/1438	00	04	06
	45	00	01	74
	46	00	03	99
	44	00	07	37
	36	00	00	37

1	2	3	4	5
7) Mahulapalli (Contd)	50	00	09	98
	57	00	03	89
	51	00	03	37
	52	00	07	24
	28	00	03	32
	27	00	14	75
	19	00	09	65
	20	00	04	74
	23	00	00	47
	21	00	02	84
	17	00	01	66
	16	00	00	10
	426	00	04	26
	425	00	01	61
	429	00	00	10
	427	00	06	39
	428	00	06	79
8) Barapali	1255	00	00	98
	1256	00	01	20
	1254	00	02	14
	1257	00	06	53
	1258	00	07	77
	1261	00	00	28
	1260	00	13	28
	1267	00	00	14
	1268	00	00	77
	1269	00	05	66
	1157	00	07	40
	1270	00	00	10
	1156	00	10	29
	1163	00	00	63
	1155	00	12	07
	1138	00	02	06
	1154	00	06	00
	1139	00	04	04
	1140	00	01	26
	1141	00	00	71
	1142	00	00	64
	1143	00	00	82
	1144	00	00	70
	1145	00	00	10
	1134	00	07	83

1	2	3	4	5
8) Barapali (Contd)	1135	00	03	96
	1133	00	06	69
	1130	00	05	23
	1131	00	02	13
	329	00	00	66
	1129	00	04	14
	330	00	00	15
	332	00	04	80
	331	00	00	10
	1127	00	04	96
	333	00	01	00
	1126	00	00	10
	255	00	01	91
	256	00	01	37
	254	00	01	37
	334	00	01	27
	339	00	01	18
	336	00	00	10
	337	00	01	77
	338	00	01	92
	340	00	01	83
	341	00	01	29
	253	00	00	27
	342	00	01	14
	343	00	01	15
	346	00	00	10
	345	00	01	74
	344	00	01	70
	389	00	00	15
	348	00	00	10
	377	00	15	40
	374	00	01	20
	373	00	01	53
	372	00	02	01
	371	00	04	20
	370	00	03	42
	3091	00	00	57
	369	00	00	58
	361	00	02	00
	362	00	04	52
	363	00	01	06
	356	00	01	98

1	2	3	4	5
8) Barapali (Contd)	357	00	02	63
	353	00	00	10
	354	00	05	09
	355	00	00	85
	434	00	00	10
	433	00	00	40
	432	00	01	08
	3100	00	03	55
	430	00	06	30
	3099	00	03	74
	468	00	01	78
	469	00	04	45
	487	00	01	04
	484	00	11	88
	470	00	01	87
	482	00	01	18
	483	00	02	57
	481	00	07	04
	479	00	01	17
	480	00	05	18
	553	00	05	01

Mandal/Tehsil/Taluk: Hinjalikatu	District: Ganjam	State: Orissa		
1) Durbandha	4931	00	07	14

[F. No. L-14014/55/2010-GP]
SNEH P. MADAN, Under Secy.

नई दिल्ली, 12 नवम्बर, 2010

का. आ. 2831.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडु में तिरुतनी के पास विजयवाडा-नेल्लोर-चैन्नई पाइपलाइन के टर्मिनल प्वाइंट से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स ग्लोजिमेटिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा चैन्नई-ट्यूटीकोरिन पाइपलाइन विछाई जानी चाहिए;

और, भारत सरकार को उक्त पाइपलाइन विछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन विछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपावद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधाग (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधाग (1) के अधीन जागी की गई अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन विछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री वी. वेंकटमुत्तु, मक्षम प्राधिकारी, ग्लोजिमेटिक्स इन्फ्रास्ट्रक्चर लिमिटेड, न. 89, डॉ. गधाकृष्णन मलाई, छठवीं मंजिल, मैलापुर, चैन्नई - 600004, तमिलनाडु राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुक इतिरुवन्नामलाय	जिला इतिरुवन्नामलाई	राज्य : तमिलनाडु		
गाँव का नाम	सर्वे सं./ सब डिविजन सं.	आर.ओ.यू.-अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि एयर
1	2	3	4	5
1) बुधमंगला	187/1एफ	00	14	72
	187/1ई	00	10	04
	187/1जी	00	05	35
	187/2बी	00	05	99
	187/2सी	00	06	54
	187/2ए	00	10	61
	188/1	00	02	80
	189/3ए	00	00	79
	189/3बी	00	08	82
	189/3सी	00	11	82
	189/3डी	00	12	73
	189/5बी	00	00	59
	189/5सी	00	11	23
	190/6ए	00	04	52
	190/10	00	14	94
	190/7ए	00	00	15
	सर्वे न. 190/3 में गस्ता	00	03	28
	190/4	00	26	15
	191/7	00	05	22
	191/6ए1	00	13	99
	191/6ए3	00	23	18
	191/6सी	00	13	46
	537/2	00	08	38
	536/1ए	00	04	16
	536/1बी	00	08	79
	536/1डी	00	04	79
	536/2	00	15	59
	536/3बी	00	00	41
	536/3ए	00	13	61
	सर्वे न. 535 में गस्ता	00	06	61
	534/1ई	00	05	57
	534/1डी	00	12	04
	534/1एफ	00	17	50
	534/1	00	04	95
	534/1एल	00	05	10
	534/1के	00	07	11
	533/4	00	37	39

1	2	3	4	5
1) बुधमंगला (निरंतर)	556/5	00	06	60
	556/4	00	06	24
	556/3	00	01	26
	556/2	00	17	39
	556/15	00	05	26
	556/10	00	02	25
	556/11	00	07	85
	556/12बी	00	03	14
	556/12ए	00	02	70
	557/1मी	00	00	62
	557/1बी	00	05	73
	557/1ए	00	02	35
	557/2	00	03	95
	557/4ए	00	20	67
	524/4ई	00	06	25
	524/4मी5	00	00	29
	524/4मी6	00	02	03
	524/4मी9	00	01	50
	524/4मी8	00	08	66
	524/4मी7	00	00	10
	523/8	00	09	68
	523/9	00	12	12
	523/11	00	01	44
	523/10	00	07	91
	523/12	00	08	56
	523/7	00	00	11
	523/6बी	00	00	10
	520/3	00	19	90
	सर्वे न. 519 में गमना	00	05	36
	499	00	43	37
	500/1डी	00	00	46
	500/6	00	23	22
	500/3	00	00	10
	500/4	00	01	19
	500/5	00	02	78
	500/8	00	04	44
	500/7	00	25	64
	498	00	03	26
	492/1	00	45	68
	493/3ए4	00	03	80

1	2	3	4	5
1) बुधमंगला (निरंतर)	493/3ए2	00	06	08
	493/3वी	00	10	33
	493/3ए3	00	07	60
	493/3ए1	00	07	72
	493/2	00	08	79
2) सेल्लंकुप्पम	1	00	76	94
	2	00	10	04
	8	00	75	49
	9	00	49	28
	10	00	55	26
	47	00	73	61
	48	00	36	59
	49	00	56	19
	50	00	41	97
	53	00	48	92
	52	00	17	87
	सर्वे न. 52 में गस्ता	00	03	49
	86	00	72	88
	85	00	62	99
	84	00	43	71
	126	00	19	45
	125	00	27	66
	सर्वे न. 128 में गेल्वे	00	07	33
	129	00	56	33
	132	00	20	49
	134	00	06	25
	133	01	03	28
3) सेय्यलेरी	24/2	00	00	11
	24/1	00	03	16
	26/2	00	03	35
4) अप्पुपट्टु	12	00	03	85
	11/3वी	00	01	97
	11/3ए	00	47	74
	11/2	00	04	69
	9/7सी	00	00	10
	9/7वी	00	26	14
	9/7ए	00	38	94
	8/3	00	00	67
	8/1	00	27	69
	8/2	00	01	23

1	2	3	4	5
4) अप्पुपट्टु (निरंतर)	7/2आड	00	00	28
	44/2सी	00	00	87
	44/2डी	00	03	35
	43	00	07	95
	44/2ई	00	12	13
	45/1	00	24	53
	47/1वी	00	07	03
	47/1ए	00	25	96
	47/1डी	00	00	78
	47/1सी	00	22	58
	46/4	00	00	82
	46/5	00	09	44
	46/6	00	11	64
	46/8	00	02	45
	46/7	00	11	13
5) पवुत्तीरम	91	00	29	68
	90	00	00	10
	89	00	50	98
	79	00	46	05
	80	00	26	94
	78	00	04	18
	81	00	52	77
	75	00	35	47
	82	00	08	76
	74	00	00	75
	61	00	44	05
	60	00	37	45
	59	00	63	48
	64	00	04	84
	46	00	43	69
	45	00	01	04
	44	00	36	95
	30	00	04	99
	32	00	20	37
	31	00	17	98
	29	00	45	95
	27	00	61	16
	26	00	20	82
	22	00	27	85
	23	00	36	69

1	2	3	4	5
5) पवुलीरम (निरंतर)	सर्वे न. 21 में गम्ता	00	07	37
	18	00	42	33
	19	00	53	90
	17	00	00	32

तालुक अजिंजी	जिला विल्लुपुगम	राज्य तमिलनाडु		
1) कडप्पानंदल	सर्वे न. 10 में नाला	00	03	95
	105/1ए	00	12	00
	105/2	00	01	23
	105/1डी1	00	07	04
	105/1वी	00	01	27
	105/1सी	00	16	42
	111/2सी	00	10	07
	110/1ए2	00	09	03
	110/1वी	00	06	50
	110/2	00	06	32
	109/4ए	00	03	52
	109/4वी	00	00	44
	110/1सी	00	34	25
	110/1ई	00	00	28
	110/1डी	00	10	56
	112	00	01	66
	110/3	00	05	92
	सर्वे न. 113 में गम्ता	00	04	67
	109/5ए	00	00	13
	109/5वी	00	00	10

तालुक कल्लक्कुगिच्चि	जिला विल्लुपुगम	राज्य तमिलनाडु		
1) मादवाच्चेरी	296/12वी	00	10	98
	296/12ए	00	03	11
	296/14वी	00	01	36
	296/14ए	00	00	73
	297	00	87	17
2) कडलुर	198/1	00	04	29
	198/2	00	48	30
	200	01	04	71
	195/1	00	36	50
	194	00	65	59
	193/1	00	14	76
	193/5	00	09	59
	193/4वी	00	42	11
	191/6	00	00	34
	191/1वी	00	03	22
	193/2	00	02	89

1	2	3	4	5
2) कडलुर (निरंतर)	191/3	00	36	29
	191/1ए	00	17	52
	191/5	00	22	27
	191/2	00	05	35
	192/2	00	00	42
	177/1	00	05	88
	176/5	00	16	03
	176/2	00	10	21
	176/6सी	00	00	60
	176/1सी	00	08	17
	176/1वी	00	00	94
	176/1ए	00	04	93
	176/6वी	00	00	30
	176/6ए	00	16	06
	176/7	00	00	14
	174/7	00	08	93
	174/4	00	13	57
	174/8	00	04	26
	174/5	00	00	42
	174/6	00	15	04
	172/3वी	00	10	71
	172/3ए	00	11	87
	172/5ए	00	01	25
	172/4ए	00	08	50
	172/4वी	00	01	61
	168/1वी	00	03	63
	168/3	00	23	31
	168/4	00	09	93
	168/5	00	13	55
	168/2	00	01	01
	सर्वे न. 167 में रास्ता	00	06	87
	136/2ए5	00	11	74
	136/4	00	18	39
	136/2ए6	00	08	26
	136/3	00	24	36
	136/2ए4	00	03	65
	130/1	00	02	65
	135/1	00	06	84
	135/2	00	04	36
	135/4	00	14	53

1	2	3	4	5
2) कडतुर (निरंतर)	135/3ए	00	00	93
	135/3बी	00	23	78
	135/5	00	24	49
	134/8	00	00	12
	134/4	00	21	70
	134/5	00	03	74
	134/3	00	09	04
	134/2	00	00	29
	100/1	00	00	10
	100/2	00	10	42
	133	00	02	34
	100/7	00	00	35
	100/4	00	03	88
	100/5	00	00	43
	100/3	00	10	25
	99/6	00	00	10
	99/8	00	00	78
	99/11	00	05	54
	104/1	00	02	64
	99/10	00	00	31
	98/4ए	00	04	96
	98/2ए	00	00	97
	98/2बी	00	03	64
	98/4बी	00	09	14
	98/3	00	02	76
	97/1बी	00	18	32
	97/1मी	00	01	13
	97/2ए	00	05	55
	97/2मी	00	05	43
	97/3ए	00	00	97
	97/2डी	00	09	57
	97/3ई	00	00	80
	97/3जे	00	02	62
	97/3एफ	00	01	13
	97/3जी	00	02	65
	9/3एच	00	03	01
	97/3के	00	02	00
	97/3आइ	00	05	62
	87/2	00	00	98
	87/1	00	11	59

1	2	3	4	5
2) कडलुर (निरंतर)	87/6	00	00	13
	87/5ए	00	03	56
	87/5बी	00	03	93
	87/7ए	00	03	33
	96/4बी	00	03	80
	88/1ए	00	00	96
	88/1बी	00	00	10
	89/4	00	04	72
	89/5	00	01	00
	89/6	00	00	40
	89/3	00	11	44
	89/7	00	03	10
	89/2बी	00	00	79
	83/1	00	00	19
	90	00	04	00
	83/18	00	12	22
	91/13ए	00	01	96
	91/13बी	00	13	64
	91/13सी	00	03	94
	91/9	00	03	38
	91/14	00	00	74
	91/13डी	00	08	10
	91/12ए	00	00	73
	91/12बी	00	02	11
	91/12सी	00	08	42
	91/11	00	01	08
	82/2	00	09	00
	82/1	00	00	19
	82/3	00	10	99
	82/4	00	05	31
3) पायित्तन्दुराय	198/2बी	00	09	52
	199	00	48	47
	197	00	04	74
	198/2	00	07	54
	211	00	14	76
	212	00	66	91
	213	00	31	89
	214	00	02	83
	215/3	00	44	45
	215/2	00	01	94

1	2	3	4	5
3) पायिल्लन्दुराय (निरंतर)	2 2 2/2ए	00	02	33
	2 2 2/1वी	00	02	81
	2 2 2/1ए	00	24	29
	2 2 1/3	00	00	57
	2 2 4/1	00	38	83
	2 2 4/2	00	01	43
	2 2 5/1ए	00	19	96
	2 2 5/1मी	00	21	28
	2 2 5/2	00	01	19
	2 2 5/4	00	14	66
	2 2 7	00	11	70
	2 2 9/4ए1	00	13	32
	2 2 9/8	00	13	87
	2 2 9/7	00	22	45
	2 2 9/6	00	01	14
	2 2 9/5	00	00	80

तालुक शंकरगपुरम	जिला विल्लुपुरम	गज्य तमिलनाडु		
1) अतीयुर	41	01	17	20
	मर्वे न. 41 में रेल्वे	00	04	58
	मर्वे न. 41 में नदी	00	02	19
	46/5	00	18	75
	45/1ए	00	00	50
	45/3ए/1	00	01	90
	45/4ए	00	04	33
	45/5ए	00	04	29
	45/2	00	10	97
	44/1	00	09	52
	45/5वी	00	00	53
	44/3ए	00	01	23
	44/4	00	00	77
	44/5मी	00	00	58
	44/2	00	06	46
	44/9ए	00	00	10
	44/5वी	00	02	25
	44/5ए	00	05	88
	44/6	00	07	85
	44/8ए	00	00	42
	44/11	00	01	03
	44/7	00	07	50
	158/4	00	00	10
	158/3	00	03	82

1	2	3	4	5
1) अत्तीयुर (निरंतर)	158/1	00	02	79
	158/2	00	02	76
	158/5	00	05	19
	158/7	00	01	35
	158/8	00	14	59
	157/1	00	01	09
	157/2	00	10	76
	157/5	00	09	73
	157/4	00	00	70
	154/3ए	00	00	31
	154/3वी	00	03	17
	156/2	00	13	82
	154/4	00	03	20
	154/1	00	05	09
	154/3मी	00	12	25
	154/2वी	00	02	15
	154/2ए	00	00	10
	154/2मी	00	01	32
	154/5ए	00	02	86
	154/5वी	00	00	59
	154/5डी	00	00	21
	154/5मी	00	05	40
	154/2ई	00	01	47
	154/2एफ	00	01	76
	154/2एच	00	02	89
	154/5ई	00	06	81
	154/2 आड	00	02	41
	151/5	00	00	58
	151/2	00	01	99
	151/3	00	03	79
	151/1	00	02	31
	150/19वी	00	00	42
	151/7	00	01	52
	151/8ए	00	02	46
	151/9ए	00	01	26
	151/10	00	01	10
	151/18	00	02	38
	150/2 2	00	06	93
	151/2 2	00	04	17
	150/2 1	00	05	62

1	2	3	4	5
1) अलीपुर (निरंतर)	150/20वी	00	00	49
	238	00	05	30
	166	00	41	56
	171/1	00	32	49
	171/2ए	00	03	67
	176/1	00	01	13
	176/3	00	21	96
	177/6	00	00	32
	177/8	00	00	10
	176/4	00	02	34
	181/6वी	00	02	38
	176/9	00	00	16
	181/6सी	00	12	33
	181/5	00	12	48
	182/3	00	08	14
	182/2वी	00	14	60
	183/4	00	03	55
	183/1	00	00	27
	183/2ए	00	03	28
	183/6ए	00	02	04
	183/2वी	00	04	17
	183/3	00	05	34
	186/1	00	01	15
	186/2ए	00	00	64
	186/2वी	00	00	41
	185/5	00	12	33
	185/4	00	06	30
	193/2	00	13	01
	193/4	00	02	27
	193/6	00	03	58
	193/7	00	02	94
	193/8	00	02	61
	193/9वी	00	04	84
	193/9ए	00	02	68
	192/8	00	05	88
	192/7	00	01	69
	192/16	00	33	09
	196/1वी	00	10	54
	196/1सी	00	35	40
	196/3	00	00	48

1	2	3	4	5
1) अतीपुर (निरंतर)	196/1डी	00	15	92
	196/2सी	00	16	13
	196/2डी	00	14	85
	197/3ई	00	01	33
	197/4ए	00	03	58
	197/2बी	00	01	13
	198/3ए	00	01	85
	198/5बी	00	17	92
	198/6	00	50	26
	198/4	00	00	22
	198/7मी	00	06	09
	198/7बी	00	18	42
	198/7ए	00	00	23
2) अलदुर	मर्वे न. 38 में नदी	00	12	57
	38/2	00	04	43
	38/3बी	00	03	27
	37/3	00	00	56
	37/4ए2	00	27	47
	36/9ए2	00	04	86
	36/9बी	00	12	66
	36/13	00	03	02
	36/12	00	35	73
	35/7	00	03	60
	35/6	00	26	03
	35/12ए	00	13	36
	35/11ए	00	21	74
	35/11बी	00	12	98
	34/4	00	14	43
	34/6	00	17	91
	34/1मी	00	01	69
	33/1डी	00	35	15
	33/1मी	00	04	00
	33/1बी	00	03	35
	33/1ई	00	02	73
	33/2	00	15	59
	73/2	00	23	31
	73/3	00	13	05
	77/1	00	00	53
	78/3	00	23	16
	78/2	00	03	03

1	2	3	4	5
2) अलदुर (निरंतर)	78/4	00	01	89
	78/5सी	00	26	64
	78/5वी	00	00	45
	78/5ए	00	02	23
	सर्वे न. 78/6ए में रास्ता	00	04	35
	78/6वी	00	20	32
	79/3	00	23	64
	79/2	00	31	31
	80/3	00	01	05
	80/1ए	00	42	31
	80/2	00	38	43
	265/1	00	08	45

[फा सं. एल.-14014/86/2010-जी.पी.]

स्नेह प्रभा मदान, अवर सचिव

New Delhi, the 12th November, 2010

⁴⁹²⁴
S. O. 2831.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from terminal point of Vijayawada – Nellore – Chennai pipeline near Tiruttani in Tamil Nadu to consumers in various parts of the country, Chennai - Tuticorin pipeline should be laid by M/s Relogistics Infrastructure Limited;

And, whereas, it appears to Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the Right of User therein for laying the pipeline under the land to Shri V. Venkatasubbu, Competent Authority, Relogistics Infrastructure Limited, No. 89, Dr. RadhaKrishnan Salai, 6th Floor, Mylapore, Chennai - 600004, Tamil Nadu State.

Schedule

Taluk:Thiruvannamalai		District:Thiruvannamalai		State:Tamil Nadu	
Village	Survey No./Sub-Division No.	Area to be acquired for RoU			
		Hec	Are	C-Are	
1	2	3	4	5	
1) Budhamangala	187/1F	00	14	72	
	187/1E	00	10	04	
	187/1G	00	05	35	
	187/2B	00	05	99	
	187/2C	00	06	54	
	187/2A	00	10	61	
	188/1	00	02	80	
	189/3A	00	00	79	
	189/3B	00	08	82	
	189/3C	00	11	82	
	189/3D	00	12	73	
	189/5B	00	00	59	
	189/5C	00	11	23	
	190/6A	00	04	52	
	190/10	00	14	94	
	190/7A	00	00	15	
	Road in Survey No.190/3	00	03	28	
	190/4	00	26	15	
	191/7	00	05	22	
	191/6A1	00	13	99	
	191/6A3	00	23	18	
	191/6C	00	13	46	
	537/2	00	08	38	
	536/1A	00	04	16	
	536/1B	00	08	79	
	536/1D	00	04	79	
	536/2	00	15	59	
	536/3B	00	00	41	
	536/3A	00	13	61	
	Road in Survey No.535	00	06	61	
	534/1E	00	05	57	
	534/1D	00	12	04	
	534/1F	00	17	50	
	534/1M	00	04	95	
	534/1L	00	05	10	
	534/1K	00	07	11	
	533/4	00	37	39	

1	2	3	4	5
1) Budhamangala (Contd)	556/5	00	06	60
	556/4	00	06	24
	556/3	00	01	26
	556/2	00	17	39
	556/15	00	05	26
	556/10	00	02	25
	556/11	00	07	85
	556/12B	00	03	14
	556/12A	00	02	70
	557/1C	00	00	62
	557/1B	00	05	73
	557/1A	00	02	35
	557/2	00	03	95
	557/4A	00	20	67
	524/4E	00	06	25
	524/4C5	00	00	29
	524/4C6	00	02	03
	524/4C9	00	01	50
	524/4C8	00	08	66
	524/4C7	00	00	10
	523/8	00	09	68
	523/9	00	12	12
	523/11	00	01	44
	523/10	00	07	91
	523/12	00	08	56
	523/7	00	00	11
	523/6B	00	00	10
	520/3	00	19	90
	Road in Survey No.519	00	05	36
	499	00	43	37
	500/1D	00	00	46
	500/6	00	23	22
	500/3	00	00	10
	500/4	00	01	19
	500/5	00	02	78
	500/8	00	04	44
	500/7	00	25	64
	498	00	03	26
	492/1	00	45	68
	493/3A4	00	03	80

1	2	3	4	5
1) Budhamangala (Contd)	493/3A2	00	06	08
	493/3B	00	10	33
	493/3A3	00	07	60
	493/3A1	00	07	72
	493/2	00	08	79
2) Sellankuppam	1	00	76	94
	2	00	10	04
	8	00	75	49
	9	00	49	28
	10	00	55	26
	47	00	73	61
	48	00	36	59
	49	00	56	19
	50	00	41	97
	53	00	48	92
	52	00	17	87
	Road in Survey No.52	00	03	49
	86	00	72	88
	85	00	62	99
	84	00	43	71
	126	00	19	45
	125	00	27	66
	Railway in Survey No.128	00	07	33
	129	00	56	33
	132	00	20	49
	134	00	06	25
	133	01	03	28
3) Seyyaleri	24/2	00	00	11
	24/1	00	03	16
	26/2	00	03	35
4) Appupattu	12	00	03	85
	11/3B	00	01	97
	11/3A	00	47	74
	11/2	00	04	69
	9/7C	00	00	10
	9/7B	00	26	14
	9/7A	00	38	94
	8/3	00	00	67
	8/1	00	27	69
	8/2	00	01	23

1	2	3	4	5
4) Appupattu (Contd)	7/2I	00	00	28
	44/2C	00	00	87
	44/2D	00	03	35
	43	00	07	95
	44/2E	00	12	13
	45/1	00	24	53
	47/1B	00	07	03
	47/1A	00	25	96
	47/1D	00	00	78
	47/1C	00	22	58
	46/4	00	00	82
	46/5	00	09	44
	46/6	00	11	64
	46/8	00	02	45
	46/7	00	11	13
5) Pavuttiram	91	00	29	68
	90	00	00	10
	89	00	50	98
	79	00	46	05
	80	00	26	94
	78	00	04	18
	81	00	52	77
	75	00	35	47
	82	00	08	76
	74	00	00	75
	61	00	44	05
	60	00	37	45
	59	00	63	48
	64	00	04	84
	46	00	43	69
	45	00	01	04
	44	00	36	95
	30	00	04	99
	32	00	20	37
	31	00	17	98
	29	00	45	95
	27	00	61	16
	26	00	20	82
	22	00	27	85
	23	00	36	69

1	2	3	4	5
5) Pavuttiram (Contd)	Road in Survey No.21	00	07	37
	18	00	42	33
	19	00	53	90
	17	00	00	32

Taluk:Gingee	District:Villupuram	State:Tamil Nadu		
1) Kadappanandal	Nala in Survey No.10	00	03	95
	105/1A	00	12	00
	105/2	00	01	23
	105/1D1	00	07	04
	105/1B	00	01	27
	105/1C	00	16	42
	111/2C	00	10	07
	110/1A2	00	09	03
	110/1B	00	06	50
	110/2	00	06	32
	109/4A	00	03	52
	109/4B	00	00	44
	110/1C	00	34	25
	110/1E	00	00	28
	110/1D	00	10	56
	112	00	01	66
	110/3	00	05	92
	Road in Survey No. 113	00	04	67
	109/5A	00	00	13
	109/5B	00	00	10

Taluk:Kallakkurichchi	District:Villupuram	State:Tamil Nadu		
1) Madavachcheri	296/12B	00	10	98
	296/12A	00	03	11
	296/14B	00	01	36
	296/14A	00	00	73
	297	00	87	17
2) Kadattur	198/1	00	04	29
	198/2	00	48	30
	200	01	04	71
	195/1	00	36	50
	194	00	65	59
	193/1	00	14	76
	193/5	00	09	59
	193/4B	00	42	11
	191/6	00	00	34
	191/1B	00	03	22
	193/2	00	02	89

1	2	3	4	5
2) Kadattur (Contd)	191/3	00	36	29
	191/1A	00	17	52
	191/5	00	22	27
	191/2	00	05	35
	192/2	00	00	42
	177/1	00	05	88
	176/5	00	16	03
	176/2	00	10	21
	176/6C	00	00	60
	176/1C	00	08	17
	176/1B	00	00	94
	176/1A	00	04	93
	176/6B	00	00	30
	176/6A	00	16	06
	176/7	00	00	14
	174/7	00	08	93
	174/4	00	13	57
	174/8	00	04	26
	174/5	00	00	42
	174/6	00	15	04
	172/3B	00	10	71
	172/3A	00	11	87
	172/5A	00	01	25
	172/4A	00	08	50
	172/4B	00	04	61
	168/1B	00	03	63
	168/3	00	23	31
	168/4	00	09	93
	168/5	00	13	55
	168/2	00	01	01
	Road in Survey No.167	00	06	87
	136/2A5	00	11	74
	136/4	00	18	39
	136/2A6	00	08	26
	136/3	00	24	36
	136/2A4	00	03	65
	130/1	00	02	65
	135/1	00	06	84
	135/2	00	04	36
	135/4	00	14	53

1	2	3	4	5
2) Kadattur (Contd)	135/3A	00	00	93
	135/3B	00	23	78
	135/5	00	24	49
	134/8	00	00	12
	134/4	00	21	70
	134/5	00	03	74
	134/3	00	09	04
	134/2	00	00	29
	100/1	00	00	10
	100/2	00	10	42
	133	00	02	34
	100/7	00	00	35
	100/4	00	03	88
	100/5	00	00	43
	100/3	00	10	25
	99/6	00	00	10
	99/8	00	00	78
	99/11	00	05	54
	104/1	00	02	64
	99/10	00	00	31
	98/4A	00	04	96
	98/2A	00	00	97
	98/2B	00	03	64
	98/4B	00	09	14
	98/3	00	02	76
	97/1B	00	18	32
	97/1C	00	01	13
	97/2A	00	05	55
	97/2C	00	05	43
	97/3A	00	00	97
	97/2D	00	09	57
	97/3E	00	00	80
	97/3J	00	02	62
	97/3F	00	01	13
	97/3G	00	02	65
	9/3H	00	03	01
	97/3K	00	02	00
	97/3I	00	05	62
	87/2	00	00	98
	87/1	00	11	59

1	2	3	4	5
2) Kadattur (Contd)	87/6	00	00	13
	87/5A	00	03	56
	87/5B	00	03	93
	87/7A	00	03	33
	96/4B	00	03	80
	88/1A	00	00	96
	88/1B	00	00	10
	89/4	00	04	72
	89/5	00	01	00
	89/6	00	00	40
	89/3	00	11	44
	89/7	00	03	10
	89/2B	00	00	79
	83/1	00	00	19
	90	00	04	00
	83/18	00	12	22
	91/13A	00	01	96
	91/13B	00	13	64
	91/13C	00	03	94
	91/9	00	03	38
	91/14	00	00	74
	91/13D	00	08	10
	91/12A	00	00	73
	91/12B	00	02	11
	91/12C	00	08	42
	91/11	00	01	08
	82/2	00	09	00
	82/1	00	00	19
	82/3	00	10	99
	82/4	00	05	31
3) Payittandurai	198/2B	00	09	52
	199	00	48	47
	197	00	04	74
	198/2	00	07	54
	211	00	14	76
	212	00	66	91
	213	00	31	89
	214	00	02	83
	215/3	00	44	45
	215/2	00	01	94

1	2	3	4	5
3) Payittandurai (Contd)	222/2A	00	02	33
	222/1B	00	02	81
	222/1A	00	24	29
	221/3	00	00	57
	224/1	00	38	83
	224/2	00	01	43
	225/1A	00	19	96
	225/1C	00	21	28
	225/2	00	01	19
	225/4	00	14	66
	227	00	11	70
	229/4A1	00	13	32
	229/8	00	13	87
	229/7	00	22	45
	229/6	00	01	14
	229/5	00	00	80

Taluk:Sankarapuram		District:Villupuram		State:Tamil Nadu	
1) Athiyur	41	01	17	20	
	River in Survey No.41	00	04	58	
	Nala in Survey No.41	00	02	19	
	46/5	00	18	75	
	45/1A	00	00	50	
	45/3A/1	00	01	90	
	45/4A	00	04	33	
	45/5A	00	04	29	
	45/2	00	10	97	
	44/1	00	09	52	
	45/5B	00	00	53	
	44/3A	00	01	23	
	44/4	00	00	77	
	44/5C	00	00	58	
	44/2	00	06	46	
	44/9A	00	00	10	
	44/5B	00	02	25	
	44/5A	00	05	88	
	44/6	00	07	85	
	44/8A	00	00	42	
	44/11	00	01	03	
	44/7	00	07	50	
	158/4	00	00	10	
	158/3	00	03	82	

1	2	3	4	5
1) Athiyur (Contd)	158/1	00	02	79
	158/2	00	02	76
	158/5	00	05	19
	158/7	00	01	35
	158/8	00	14	59
	157/1	00	01	09
	157/2	00	10	76
	157/5	00	09	73
	157/4	00	00	70
	154/3A	00	00	31
	154/3B	00	03	17
	156/2	00	13	82
	154/4	00	03	20
	154/1	00	05	09
	154/3C	00	12	25
	154/2B	00	02	15
	154/2A	00	00	10
	154/2C	00	01	32
	154/5A	00	02	86
	154/5B	00	00	59
	154/5D	00	00	21
	154/5C	00	05	40
	154/2E	00	01	47
	154/2F	00	01	76
	154/2H	00	02	89
	154/5E	00	06	81
	154/2I	00	02	41
	151/5	00	00	58
	151/2	00	01	99
	151/3	00	03	79
	151/1	00	02	31
	150/19B	00	00	42
	151/7	00	01	52
	151/8A	00	02	46
	151/9A	00	01	26
	151/10	00	01	10
	151/18	00	02	38
	150/22	00	06	93
	151/22	00	04	17
	150/21	00	05	62

1	2	3	4	5
1) Athiyur (Contd)	150/20B	00	00	49
	238	00	05	30
	166	00	41	56
	171/1	00	32	49
	171/2A	00	03	67
	176/1	00	01	13
	176/3	00	21	96
	177/6	00	00	32
	177/8	00	00	10
	176/4	00	02	34
	181/6B	00	02	38
	176/9	00	00	16
	181/6C	00	12	33
	181/5	00	12	48
	182/3	00	08	14
	182/2B	00	14	60
	183/4	00	03	55
	183/1	00	00	27
	183/2A	00	03	28
	183/6A	00	02	04
	183/2B	00	04	17
	183/3	00	05	34
	186/1	00	01	15
	186/2A	00	00	64
	186/2B	00	00	41
	185/5	00	12	33
	185/4	00	06	30
	193/2	00	13	01
	193/4	00	02	27
	193/6	00	03	58
	193/7	00	02	94
	193/8	00	02	61
	193/9B	00	04	84
	193/9A	00	02	68
	192/8	00	05	88
	192/7	00	01	69
	192/16	00	33	09
	196/1B	00	10	54
	196/1C	00	35	40
	196/3	00	00	48
	196/1D	00	15	92
	196/2C	00	16	13
	196/2D	00	14	85
	197/3E	00	01	33
	197/4A	00	03	58
	197/2B	00	01	13

1	2	3	4	5
1) Athiyur (Contd)	198/3A	00	01	85
	198/5B	00	17	92
	198/6	00	50	26
	198/4	00	00	22
	198/7C	00	06	09
	198/7B	00	18	42
	198/7A	00	00	23
2) Alattur	River in Survey No.38	00	12	57
	38/2	00	04	43
	38/3B	00	03	27
	37/3	00	00	56
	37/4A2	00	27	47
	36/9A2	00	04	86
	36/9B	00	12	66
	36/13	00	03	02
	36/12	00	35	73
	35/7	00	03	60
	35/6	00	26	03
	35/12A	00	13	36
	35/11A	00	21	74
	35/11B	00	12	98
	34/4	00	14	43
	34/6	00	17	91
	34/1C	00	01	69
	33/1D	00	35	15
	33/1C	00	04	00
	33/1B	00	03	35
	33/1E	00	02	73
	33/2	00	15	59
	73/2	00	23	31
	73/3	00	13	05
	77/1	00	00	53
	78/3	00	23	16
	78/2	00	03	03
	78/4	00	01	89
	78/5C	00	26	64
	78/5B	00	00	45
	78/5A	00	02	23
	Road in Survey No.78/6A	00	04	35
	78/6B	00	20	32
	79/3	00	23	64
	79/2	00	31	31
	80/3	00	01	05
	80/1A	00	42	31
	80/2	00	38	43
	265/1	00	08	45

[F. No. L-14014/86/2010-GP]
SNEH P. MADAN, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 15 अक्टूबर, 2010

का.आ. 2832.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 370/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-2010 को प्राप्त हुआ था।

[सं. एल-12012/377/2000-आईआर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 15th October, 2010

S.O. 2832.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 370/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workman, received by the Central Government on 12-10-2010.

[No. L-12012/377/2000-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR****Present :**

Shri J. Srivastava,
Presiding Officer, G.G.I.T.-Cum-Labour
Court, Bhubaneswar.

Industrial Dispute Case No. 370/2001**Date of Passing Award - 22nd September 2010****Between:**

The Management of the Dy. General Manager,
State Bank of India, Zonal Office, Bhubaneswar
Orissa - 751 009

.... 1st Party-Managements

(And)

Their Workmen Shri Prafulla Chandra Dash,
Represented through the General Secretary,
State Bank of India, Employees Union, Bhubaneswar
Orissa - 751 009

... 2nd Party- Union

APPEARANCES:

M/s. H. K. Mohanty : For the 1st Party-
Advocate. Management

M/s. B. C. Bastia & : For the 2nd Party-
Associates, Advocate. Union

AWARD

The Government of India in the Ministry of Labour has referred the present dispute existing between the employers in relation to the Management of State Bank of India, Bhubaneswar and their workman under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act vide their Letter No. L-12012/377/2000-IR (B-I) dated 30-01-2001 to this Tribunal for adjudication to the following effect :

“Whether the action of the State Bank of India Management by not regularizing the service of Shri Prafulla Chandra Dash is justified ? If not, what relief the workman is entitled to ?”

2. The 2nd Party-workman has preferred his statement of claim in which he has stated that he had joined the service on 23-9-1994 as a canteen boy under the 1st Party-Management in the Zonal Office canteen of State Bank of India, Bhubaneswar. Prior to his appointment on the above post he had worked as a Messenger at Sakhigopal Branch from 20-2-1978 to 14-4-1979 and thereafter as a canteen boy/Messenger from where he was retrenched in the year 1983. He was given appointment on 23-9-1994 as a retrenched workman under section 25-II of the Industrial Disputes Act 1947. The Management of State Bank of India runs the canteen under its direct control and supervision and the staff including the 2nd Party-workman is paid their wages by the Management. Thus there exists master and servant relationship between the 1st Party-Management and the 2nd Party-workman. The work performed by the 2nd Party-workman is perennial in nature. The 2nd Party-workman has been working in the canteen continuously and uninterruptedly since 1994 but he is getting much less pay than his co-workers. Under a settlement made between certain banking companies and their employees on 19-10-1966 provisions for regularization of temporary employees against permanent vacancies were made. Again in the year 1992 a settlement was made between the State Bank of India and All India State Bank Employees Federation in which provision for taking over the staff canteen by the Bank and absorption of temporary canteen staff was made amongst other things. Pursuant to this settlement State Bank of India, Local Head Office, Bhubaneswar invited application from the existing temporary employees for their regular absorption. The 2nd Party-workman fulfilled all the eligibility criteria, but his case for regularization could not be considered by the Management even though some of his juniors had been given regular appointment. The action of the 1st Party-Management in not regularizing the services of the 2nd Party-workman is not only discriminatory, but also arbitrary and malafide. The 2nd Party-workman had filed a Writ petition before the Hon'ble High Court of Orissa. The Hon'ble Court while disposing of the Writ petition directed the 2nd Party-workman to seek alternative remedy in the

appropriate forum/authority. Accordingly the 2nd Party-workman has raised the present dispute through the Union. He deserves regularization in service under the settled principles of law and is entitled to get equal pay for equal work from the date his juniors have been regularized.

3. The 1st Party-Management in its reply has stated that in order to absorb the temporary employees of various categories engaged by the Management in its branches, the Management and Staff Federation had entered into an agreement/settlement which provided criteria for consideration of eligible temporary employees for permanent appointment in the Bank. In pursuance of such settlements all eligible temporary employees were offered opportunities for permanent appointment and were called for interview in the year 1990 and 1993. The disputant-workman was called for interview in the year 1993, but he could not secure better position. Panels of temporary employees were prepared on the basis of interview conducted during the year 1990 and 1993 which remained in force till 31-3-1997. After that all the panels expired and no one has any claim over the same. From these panels 140 sanctioned posts were filled in, but the 2nd Party-workman could not be absorbed in the said vacancy. The 2nd Party-workman filed O.J.C. 4928/97 before the Hon'ble High Court of Orissa challenging inter alia the non-regularization of his service and claiming arrears at par with regular employees from the date of his initial appointment. The above Writ Petition was heard along with bunch of similar Writ Petitions filed by other temporary employees. The Hon'ble High Court of Orissa dismissed all the Writ Petitions by a common judgement given on 15-5-98 in O.J.C. No. 2787/97 and upheld the action of the Management in offering appointments from both the panels. Aggrieved by the judgement of the Hon'ble High Court of Orissa, one Natabar Das approached the Hon'ble Supreme Court in S.L.P. which was also dismissed on merit. Therefore, the 2nd Party-workman is now estopped from re-agitating the same issue. The engagement of the 2nd Party-workman was purely temporary in nature and was extended from time to time. It is not a fact that the staff of all the canteens are the employees of the Bank and there exists master and servant relationship. The staff of canteen, which is run by the Local Implementation Committee, is appointed by the committee. They are not the employees of the bank. It is also not a fact that the 2nd Party-workman was working at the Zonal Office canteen prior to taking over of the canteen from Local Implementation Committee.

4. Out of the pleadings of the parties the following issues were settled for adjudication :—

ISSUES

1. Whether the reference is maintainable ?
2. Whether the 2nd Party-workman is eligible for regularization in the post ?

3. Whether the action of State Bank of India in not regularizing the service of the workman is legal and justified ?

4. If not, to what relief the workman is entitled ?

5. The 2nd Party-Union has examined Shri Prafulla Chandra Dash, as W.W.-1 and has exhibited documents from Ext. -1 to Ext. -13. The 1st Party-Management, on the other hand, has examined two witnesses namely Shri G. L. Narasingham as M. W.-1 and Shri Srimanta Kr. Das as M. W.2 and has also exhibited certain documents from Ext.-A to Ext.-D.

FINDINGS

ISSUE NO. I

6. This issue seems some what superfluous as the 1st Party-Management has not anywhere a verred in their written statement about the non-maintainability of the reference. They have only stated that the statement of claim as submitted by the 2nd Party-Union is not maintainable either on facts or on points of law. And secondly, the General Secretary of the State Bank of India Employees Union has no locus standi to raise this industrial dispute for regularization of service of the present workman. Both these allegations do not hit at the very root of the maintainability of the reference. The claim of the 2nd Party-workman may or may not stand in the eye of law or the General Secretary of the 2nd Party-Union may or may not have the right to pursue the claim, but how can a question be raised, and virtually not raised, about the maintainability of the reference. It is quite different that the matter of regularization was carried to the Hon'ble High Court of Orissa and it did not find favour with the workman and the matter can not be now re-agitated in the Courts or Tribunals subordinate to it, but that does not mean that this Tribunal is devoid of right to hear in the matter basically. In my view the reference is maintainable in this Tribunal under the provisions of the Industrial Disputes Act so sent by the Government of India for adjudication in exercise of the powers conferred under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act. Hence, this issue is answered accordingly.

ISSUE NO. II

7. The contention of the 2nd Party-workman is that he had worked as a messenger from 20-2-1978 to 14-4-1979, as a canteen boy/messenger from 15-4-1979 onwards till retrenchment in the year 1983 and thereafter in the office canteen from 23-9-1994 till date under the 1st Party-Management. But his services were not regularized even though permanent vacancies had arisen. He filed a writ petition before the Hon'ble High Court of Orissa wherein it was directed by the Hon'ble Court that the alternative remedy may be sought before the appropriate forum/authority by the 2nd Party-workman.

8. The 1st Party-Management has stated in reply that in order to absorb temporary employees working intermittently from time to time at different branches/establishments of the bank, the Management of State Bank of India and the State Bank of India Staff Federation entered into an agreement/settlement which provided criteria for consideration of eligible temporary employees for permanent appointment in the Bank, in pursuance whereof all eligible temporary employees were offered opportunities for permanent appointment and were called to appear at the interviews held during the year 1990 and 1993. The present workman was called for interview during the year 1993, but unfortunately he could not secure better position. On the basis of the interview conducted during the year 1990 and 1993 panels of temporary employees were prepared which remained in force till 31-3-1997. Thereafter all the panels expired and no one has any claim over the same. Being aggrieved with the process of recruitment/permanent appointment in the bank the present workman filed O.J.C. No. 4928/97 before the Hon'ble High Court of Orissa challenging inter alia therein the non-regularization of his services and has prayed for direction to the bank to treat the service of the workman as regular from the date of his initial appointment and to pay him the arrears. The Hon'ble High Court of Orissa heard the above mentioned writ along with a batch of similar writ petitions filed by other temporary employees and dismissed all the writ petitions by a common judgement dated 15-5-98 given in O.J.C. No. 2787/97. The Hon'ble Court upheld the action of the 1st Party-Management in offering appointments from both the panels. On feeling aggrieved with the judgement one Natabar Das filed Special Leave Application before the Hon'ble Supreme Court of India which too was dismissed. Therefore, the 2nd Party-workman is now estopped to re-agitate the same issue which is no longer open for challenge. The judgement is binding on all concerned.

9. It is not disputed that the 2nd Party-workman appeared in the interview on 13-2-1990 as is also revealed from his evidence and exhibited document Ext. -7. From Ext.-7 it appears that the 2nd Party-workman was called for interview on his application for permanent appointment in subordinate cadre. But another Ext.-8 shows that the process for recruitment of messenger was started afresh and he was called to appear in the interview for the same on 30-12-1993. The 2nd Party-workman has stated in his sworn affidavit filed in evidence that he was selected in the interview and given appointment as temporary canteen boy for 8 days term vide Ext. -10. Thereafter his terms of appointment was extended from time to time. Again an appointment order dated 31-3-1997 was issued to work in the canteen indicating his appointment from 1-4-1997 to till further order as is evident from Ext.-11. All these documents

do not establish that the 2nd Party-workman was successful in the interview held on 13-2-1990 and was called for appointment in subordinate cadre of the bank. the appointment given in pursuance of the interview held on 30-12-1993 was of limited duration and term of appointment was further extended from time to time. He has not stated that he was selected for permanent appointment on the basis of interview held on 13-2-1990.

10. On the other hand, the 1st Party-Management Witness No. 1, Shri G.L. Narasingham has stated in his oral evidence that in the year 1990 and 1993, interview was conducted for regularization of temporary workers in different branches as messenger, canteen boy etc. The 2nd Party-workman was allowed to participate in the interview but he could not qualify. He has also denied the allegations that in the panel of 1993 the name of the 2nd Party-workman was there, but still then he was not absorbed. He has specifically mentioned that on the basis of the interview wait listed panel was prepared category-wise. The name of the 2nd Party-workman did not find place in the said list prepared for Category-C. The Management Witness No. 2 Shri Srimanta Kumar Das has also stated that in the year 1990 and 1993 recruitment for regularization of messengers was conducted against the post of messengers and lists of wait listed messengers as also of the non-messengerial posts were prepared which lasted till 31-3-1997. The 2nd Party-workman secured lower position in the wait listed panel prepared in the year 1990 and also in the panel of the year 1993, but he could not be absorbed against the available vacancy during the live period of the settlement expiring on 31-3-1997. The present workman and others preferred different O.J.Cs before the Hon'ble High Court of Orissa claiming regularization, but all the O.J.Cs were dismissed upholding the action of the Management by a common judgement.

11. From all these facts it can not be said that the 2nd Party-workman was successful in the interview conducted by the 1st Party-Management for permanent appointment in subordinate cadre in the bank. There were 140 sanctioned posts of messengers and all of them were filled from the wait-listed panels prepared on the basis of the interview. Since the life of the wait listed panel had expired on 31-3-1997 no further permanent appointment was given to the temporary workers. Against the action of the 1st Party-Management the 2nd Party-workman and other temporary workers went to the Hon'ble High Court of Orissa and filed different O.J.Cs which were dismissed after hearing and it was held that the decision was taken administratively and on the basis of the settlement arrived at. The currency of the arrangements made on the basis of the impugned decisions/settlements has come to an end on 31-3-1997. Feeling aggrieved by the judgement of the

Hon'ble High Court of Orissa one Natabar Das filed Special Leave Petition in the Hon'ble Supreme Court which was also dismissed. Now the matter of regularization on permanent posts is closed unless the parties agree upon it by some other settlement.

12. There is yet another contention from the side of the 2nd Party-workman and that is that the workman has rendered continuous and regular service at the Bank for last so many years. So a right to regularization has accrued to him. In support of this very contention several citations such as SCLJ (1991-93)-1241 SC, 2006 (110) FLR. 226. SC., LLJ (I) 2006 (Bom.), LLJ March-06-842, LLJ (I) Bom.-244, LLJ 2006 (III), SC 482, LLJ 2006 (I) (March) 842 and 2000(II) LLJ-1109 (S.C.) have been referred to, but these rulings are not applicable in the present set of circumstances, as the matter of regularization or permanent appointment has been finally decided by the Hon'ble High Court of Orissa on the basis of a bipartite agreement/settlement between the Management of State Bank of India and the All India State Bank of India Staff Federation which is binding on all concerned and they can not wriggle out of it.

13. The 1st Party-Management has relied upon a judgement of the Hon'ble Supreme Court given in the case of "Secretary, state of Karnataka & Others -Versus- Uma Devi & Others" reported in AIR 2006 S.C. 1806 which replies to all the questions raised by the 2nd Party-workman. The Hon'ble Supreme Court held that :

"Unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes to an end at the end of the contract. If it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the Court to prevent regular recruitment at the instance of temporary employees whose period of employment has come to an end or of adhoc employees who by the very nature of their appointment do not acquire any right."

The Hon'ble Supreme Court has further held that :

"Employment on daily wage confers no right of permanent employment. Daily wagers appointed on less than minimum wages that was made known to him is not forced labour. Daily wagers form a class by themselves. They can not claim parity vis-a-vis those regularly recruited on basis of relevant Rules and can-not be made permanent in employment."

14. The judgement given by the Hon'ble High Court of Orissa in O.J.C. No. 2787/97 and other analogous cases reported in "86 (1998) C.L.T. 834" (Abhimanyu Mandal & Others -Versus- State Bank of India & Others) is binding on all the petitioners including the present workman. In these cases regularization of temporary employees daily wagers/casual employees was prayed and all the cases with that prayer were dismissed by the Hon'ble High Court and Special Leave Petition filed by one of the workmen namely Natabar Das before the Hon'ble Supreme Court was also dismissed. The judgement is binding not only on the parties of the cases but also on all courts subordinate or lower in rank to it. Therefore, the matter of regularization is not now open to be adjudicated upon in this Tribunal as the same has been settled for all and it is held that the 2nd Party-workman is not eligible for permanent absorption or regularization in the post. This issue is answered accordingly.

ISSUE No. III

15. For the foregoing discussions made in Issue No. II the action of the State Bank of India in not regularizing the services of the workman cannot be held illegal and unjustified. Since the 2nd Party-workman had availed of the opportunity of appearing in the interview for permanent appointment and he had not come out successful to be placed on the existing vacancy and the wait listed panel had expired on 31-3-1997, there remains no course open for regularization in view of the bipartite agreement/settlement entered into between the Management of State Bank of India and the State Bank of India Staff Federation. This issue is answered accordingly.

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16. In view of the conclusions arrived at under the fore-going issues the 2nd Party-workman is not entitled for any relief.

Dictated & Corrected by me.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 अक्तूबर, 2010

का.आ. 2833.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अलीगढ़

ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय, कानपुर के पंचाट (संदर्भ संख्या 94/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-10-2010 को प्राप्त हुआ था।

[सं. एल-12011/34/97-आईआर(बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 15th October, 2010

S.O. 2833.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No 94/98) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Aligarh Gramin Bank and their workman, received by the Central Government on 11-10-2010.

[No. L-12011/34/97-IR (B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE SRI RAM PARKASH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR**

Industrial Dispute No. 94 of 98

Between -

Sri B P Agrawal,
General Secretary,
Aligarh Gramin Bank Employees Union,
Quila Gate,
Yashoda Bhawan,
Hathras.

And

The Manager,
Aligarh Gramin Bank,
Head Office,
Diggi Road,
Aligarh.

AWARD

1. Central Government, MoL, New Delhi, vide notification No. L-12011/34/97-IR(B-1) dated 19-5-98, has referred the following dispute for adjudication to this tribunal—

2. Whether the action of the management of Aligarh Gramin Bank in taking officiating work of Manager from the clerks and denying officiating allowances equal to sponsored bank is justified and legal? If not to what relief

and from which date the concerned workmen are entitled?

3. Brief facts of the case are —

4. The union raising the present dispute on behalf of their workmen has stated that in terms of Para 4.425 of NIT Award, which is popularly known as service conditions of the Regional Rural Gramin Banks, the employees of the Gramin Banks are entitled to same pay and allowances as are given to the employees of the sponsored bank. The sponsored bank of Aligarh Gramin Bank is Canara Bank. The salary and allowances are paid to the workmen staff as per the bipartite settlement. The employees of the bank are paid salary and allowances as paid in Canara Bank except officiating allowance. It is stated by the union that in the bank clerical staff officiate to work as manager as and when required in terms of bank's circular no. 72 of 95. It is stated that since the salary and allowances in this bank are required to be paid as per those payable in Canara Bank and as salary and allowance in Canara Bank are paid as per the bipartite settlement, the officiating allowance should have been paid as per the settlement. Opposite party instead of doing so prescribed the following officiating allowance in the circular referred to above of which para 8 goes as under —

5. For officiating for a period of not less than 7 days at a time or an aggregate of 7 days during a calendar month, he shall receive an officiating allowance equal to 6% of his pay, subject to maximum of Rs. 250 per month for the period for which he officiates. The union protested the same before the management but with no result. As the bank did not concede the legitimate demand of the union, it raised an industrial dispute before the Assistant Labour Commissioner @ Kanpur. Accordingly it has been prayed that the action of the management beheld illegal and unjustified and the clerical staff be held entitled for officiating allowance as per rules applicable to clerical staff of the sponsor bank.

6. The opposite party has contested the case vehemently by filing written reply. It is stated by the opposite party. It is stated that allowance payable to special assistant cannot be paid in the form of officiating allowance as mentioned in NABARD letter dated 20-3-93. The base point for applicability in paying the allowance is in accordance with the norms /guidelines framed in sponsor bank. The present reference cannot form as industrial dispute and the dispute suffers from misjoinder of parties as well as non joinder of necessary party, therefore, reference suffers from serious latches and is therefore bad in law. It is stated that under Government of India Circular No. 11-3/90-RRB (i) dated 22-02-91, while implementing equation committee recommendations the officiating

allowance has been permitted to both officers and workmen staff. According to Para 14 of the circular the allowance/special allowance and other benefits which are provided in bipartite settlements and the service regulations of the concerned sponsor bank be extended. As per circular of NABARD such allowance are to be paid as per system / procedure prevailing in sponsor bank. The officiating allowance to clerical staff has been paid according to guidelines. It is stated that the workmen of the bank are not eligible for officiating allowance. Accordingly it has been prayed that the claim of the union is liable to be rejected being devoid of merit.

7. Rejoinder has also been filed by the Union but nothing new has been detailed therein except reiterating the facts already pleaded in the statement of claim.

8. The Union in support of its claim has neither filed any documentary evidence nor adduced any oral evidence. Whereas the opposite party has filed a few documents which are in the shape of photocopy. Apart from it, they have also adduced oral evidence of one Sri Prem Prakash Sharma as M.W.I.

9. I have heard the arguments and perused the whole record carefully.

10. It is contended by the opposite party that when the claimant or the union is alleging some mala-fide on the part of the opposite party, then they should come to prove the mala-fide by giving evidence in that behalf. It is true that aggrieved employees or the president on behalf of the union has not adduced any oral evidence in support of their pleadings. It is true that burden of prove initially lies on the claimant to prove their claim.

11. It is contended by the opposite party that whatever the special allowance is being paid to the employees of the sponsored bank i.e. Canara Bank is being paid to the emmployees of the Aligarh Gramin Bank.

12. It is contended by the authorized representative for the claimant that according to NIT Award and according to the equation committees recommendations, the employees are ought to have been paid according to BPS. Opposite party has contended Para 28 of their written statement and in their evidence that as per NABARD circulars dated 20-3-93 such allowances are to be paid as per system/procedure prevailing in sponsored bank, which has further been clarified by NABARD vide their letter dated 4-6-97. Therefore, as per advise given by sponsor bank vide letter dated 7-8-95 although employees are not eligible for officiating allowance in sponsor bank considering minimum staff complement in RRBs officiating allowance has been made payable. Further since officiating allowance to officer is paid equal to 6% of the basic pay subject to the maximum of R. 250 per month for the period for which staff officials are officiating.

13. Therefore, I have considered all the facts and circumstances of the case, I am of the opinion that the claimant union has not been able to discharge their obligation. They have failed to prove their claim, therefore, to my mind union is not entitled for any relief.

14. Reference is answered according against the union and in favour of the opposite party.

Dated: 01-10-10

RAM PARKASH, Presiding Officer

नई दिल्ली, 15 अक्टूबर, 2010

का.आ. 2834.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार दुर्ग राजेनदगो ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 27/2009) को प्रकाशित करती है, जो केंद्रीय सरकार को 12-10-2010 को प्राप्त हुआ था।

[सं. एल-12012/10/2009-आईआर(बी 1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 15th October, 2010

S.O. 2834.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No 27/2009) of the Central Government Industrial Tribunal, Nagpur as shown in the Annexure in the Industrial Dispute between the management of Durg Rajnandgao Gramin Bank and their workman, received by the Central Government on 12-10-2010.

[No. L-12012/10/2009-IR (B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NAGPUR**

Case No. CGIT/NGP/27/2009

ORDER

Petitioner/Party No. 1:

Shri Sunil Rajput S/o Shri Durga Singh,
At & PO : 1st Battalion, SAP, Bhilai,
Durg (CG).

Versus

Respondent/Party No. 2:

The Chairman,
Durg Rajnandgao Gramin Bank,
G.E. Road, Rajnandgaon,
(Chhatisgarh)

This is a reference made by the Central Government in exercise of the power conferred by clause (d) of sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) for adjudication of the Industrial Dispute between the employer, the Chairman, Durg Rajnandgao Gramin Bank and its emmployee, Shri Snil Rajput S/o Shri Durga Singh vide order No. L-12012/10/2009-IR (B-1) dated 17-08-2009 with the following schedule.

“ Whether the action of the management of Durg Rajnandgaon Gramin Bank in terminating service of Shri Sunil Kumar Rajput, ex-Daily Rated Safai Karmachari w.e.f. 18-12-2004, is legal and justified ? If not, what relief Shri Sunil Kumar Rajput is entitled ? ”

Both the parties are absent on calls.

Perused the record. The letter of reference made by the Central Govt. was received by this Tribunal. Since 29-10-2009 after receipt of the reference, notices were sent to the concerned parties including workman by registered post with AD. Notices were received by the parties. In spite of the receipt of the notice from this Tribnal, the workman did not appear. The case lingering since 29-10-2009 for filing statement of claim. From the record, it appears that the claimant is not interested to proceed with the dispute.

Hence, the case is dismissed for default of the workman. The case to be treated as no award.

Both the parties or absent on calls. No step has been taken by either of the parties.

Perused the record this case is lingering since 29-10-2009 for filing statement or claim by the workman on the previous date last chance was given to file the statement a claim. However, the statement of claim has not been filed. Hence, put up later on for orders.

J. P. CHAND, Presiding Offier

नई दिल्ली, 15 अक्टूबर, 2010

का.आ. 2835.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 11/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-10-2010 को प्राप्त हुआ था।

[सं. एल-22012/70/2004-आईआर(सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 15th October, 2010

S.O. 2835.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 11/2005) of the Central Government Industrial Tribunal, Nagpur as shown in the Annexure in the Industrial Dispute between the management of Western Coalfields Limited, and their workmen, received by the Central Government on 15-10-2010.

[No. L-22012/70/2004-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NAGPUR

Case No. CGIT/NGP/11/2005

ORDER

Petitioner/Party No. 1:

Shri Parayag Modi,
Joint General Secretary,
Bhartiya Koyala Khadan Mazdoor Sangh M.P.
(BMS)
Pench Area, PO : Parasia
Dist. Chhindwara.

Versus

Respondent/Party No. 2:

The Chief General Manager,
Western Coalfields Limited,
Pench Area, PO : Parasia
Dist. Chhindwara.

This is a reference made by the Central Government in exercise of the power conferred by clause (d) of sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) for adjudication of the Industrial Dispute between the employer, the Chief General Manager, Western Coalfields Limited, Pench Area, Chhindwara and its employee, Shri Akhtar Khan Halez vide order No. L-22012/70/2004-IR (CM-II) dated 04-01-2005 with the following schedule.

“ क्या मुख्य महाप्रबंधक, वेस्टर्न कोलफील्ड लिमिटेड पेंच एरिया परासिय जिला छिन्दवाड़ा म.प्र. के प्रबंधन द्वारा श्री अख्तर खान हालेज, खलासी, रावनवाड़ा खास कालरी की जन्मतिथि उसके सेवा अभिलेख में 1-7-44 की जगह 30-12-42 दर्ज करने की कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कर्मचारी किस अनुतोष का हकदार है ? ”

The Petitioner is absent on repeated calls.

Perused the record. The letter of reference made by the Central Govt. was received by this Tribunal on 24-10-2006 after receipt of the reference, notices were sent to the concerned parties including the workman by registered post with AD. Notices were received by the parties. In spite of the receipt of the notice from this Tribunal, the workman did not appear. The case is lingering since 24-10-2006 for filing statement of claim. From the record, it appears that the claimant is not interested to proceed with the dispute.

Hence, the case is dismissed for default of the workman. The case to be treated as no award.

The Petitioner is absent on repeated calls.

No step has been taken on behalf of the workman. Notice sent to the Joint General Secretary, Bhartiya Koyala Khadan Mazdoor Sangh, has been duly served by the Postal Department. The acknowledgement due of the concerned Joint General Secretary is on record. The service of notice is sufficient. In spite of the service of the notice, neither the workman nor the Joint General Secretary is present.

Advocate Shri B. N. Prasad filed the authorization executed by the Chief General Manager, WCL.

Perused the record. The reference was received by this Tribunal on 24-10-2006. Since then neither the workman nor his representative, Jt. General Secretary of his union is appearing in the case. No statement of claim has been filed. It appears that the workman is not interested to proceed with the reference. Hence, put up later on for orders.

J. P. CHAND, Presiding Officer

नई दिल्ली, 15 अक्टूबर, 2010

का.आ. 2836.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 100/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-10-2010 को प्राप्त हुआ था।

[सं. एल-22012/279/2001-आईआर(सीएम-II)]

डॉ. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 15th October, 2010

S.O. 2836.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 100/2002)

of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of Kamptee Sub Area of WCL, Area C.G.M. Office Kasturba Nagar, and their workmen, received by the Central Government on 15-10-2010.

[No. L-22012/279/2001-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/100/2002

Date : 05-10-2010

Petitioner/Party No. 1:

The Secretary,
Lalzanda Coal Mines Mazdoor Union,
(CITU), C/o Coal Estate, Civil Lines,
Nagpur.

Versus

Respondent/Party No. 2:

The Chief General Manager,
Area CGM Office, Kasturba Nagar,
Jaripatka, Nagpur

AWARD

(Dated : 5th October, 2010)

This is a reference made by the Central Government of India for adjudication of the Industrial Dispute between the employer, Western Coalfields Limited and their workman, Shri. Arshad Kamal Ansari, in exercise of the power conferred by clause (d) of sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), (in short, "The Act") as per letter No. L-22012/279/2001-IR (CM-II) dated 08-07-2000 with the following schedule :—

"Whether the action of the management of the Sub Area Manager, Kamptee Sub Area of WC Ltd., Post-Kamptee, Distt- Nagpur (Mah.) in dismissing Sh. Arshad Kamal Ansari, Ex -Driver from services w.e.f. 21-02-1991, is legal, proper and justified? If not, what relief the said workman entitled?"

2. On receipt of the reference, the workman and the management of WCL were noticed. In response to the notice, the workman and the management filed the statement of claim and written statement respectively.

3. The facts leading to the present reference are as follows:

Arsad Kamal Ansari, the workman (here-in-after referred to as the "workman"), while working as a Driver at Kamptee Sub Area of WCL, there was theft of complete gear box assembly set type G.B-40 and gear box counter shaft of a Tara Tipper and gear box housing of a jeep valued at Rs. 51,000 from the Auto Garage of the said sub area on 20-8-89. The management, alleging the involvement of the workman alongwith two others in the said theft, issued charge sheet dated 3/6-2-90 against him. The English version of the charges levelled against the workman were:

1. 17(i)(i) Theft, deception, fraud, impersonation or dishonesty in connection with the employer's business or property.
2. 17(i)(9) Causing damage to work in progress or to property of the employer.
- 3- 17(i)(17) Any breach of Mines Act, 1952, or any other Act, or of any Rules, regulations or bye-laws there under or of any standing orders.

The workman submitted his reply on 21-2-90 denying the allegations. The management not being satisfied with the reply of the workman, initiated the departmental enquiry and appointed the Inquiry Officer vide memo. No. 310 dated 23-2-90. The Inquiry Officer conducted the enquiry, wherein, the workman participated alongwith his co-worker. The Inquiry Officer found the charges levelled against the workman to have been proved and accordingly submitted the enquiry report to the Disciplinary Authority. The Disciplinary Authority imposed the punishment of dismissal on 20-2-91. The workman on 12-4-98 filed an appeal before the Chief General Manager but the appeal was rejected on 11-6-98. The workman raised the dispute before the Asstt. Labour Commissioner, Nagpur. The efforts of the Asstt. Labour Commissioner for conciliation failed, so the failure was reported to the Central Government. In its turn, the Central Government referred the matter to this Tribunal.

4. The workman in his statement of claim has pleaded that charge sheet was given to him about nine months after the alleged incident of theft and for the said incident of theft, charge sheet had been issued immediately i.e. on 2-9-89 against Sheikh Ismail S/o Sheikh Mehboob, a driver and Yuvraj Zibal, a General Mazdoor and departmental enquiries were held in respect of the said charge sheets and in the said enquiries, punishment of dismissal from service was passed both against Sheikh Ismail and Yuvraj Zibal, but Sheikh Ismail, the driver was reinstated, as a result of the settlement between the WCL management of

Nagpur area and the Trade Union S.K.M.S. (AITUC) on 8-2-96, on the terms that the estimated cost of Rs. 51,000 of the stolen auto parts, would be recovered from Sheikh Ismail and the period of non-employment would be treated as dies-non and he (the present workman) has been victimized by the management, who acted in violation of principles of natural justice and he was not at all involved in the theft and after his dismissal, he made an appeal to the competent authority but his appeal was not considered by the management and after the theft, the management lodged F.I.R. at Kanhan Police Station and in that F.I.R., his name was not mentioned as a suspect or culprit and Police registered the case against Sheikh Ismail and Yuvraj Zibal and as such issuance of the charge sheet against him, nine months after the alleged theft was after thought and with malafide intention and he was victimized by use of unfair labour practice and as such, his dismissal from service is unjustified and illegal and the departmental enquiry was conducted without following the principles of natural justice and the copy of the enquiry report was not made available to him and the documents asked for by him were not provided during the enquiry and so also after the enquiry to him and the second show cause notice as required under law was not served on him. The workman has prayed for his reinstatement in service with continuity of service and back wages w.e.f. 21-2-91 i.e. the date of dismissal and all consequential benefit including promotion and wage fixation as per rules.

5. Refuting all the allegations made in the statement of claim, the management in its written statement has pleaded that the workman and his two other accomplice i.e. Yuvraj Zibal and S. K. Ismail were involved in commission of the theft and as such charge sheet dated 3/6-2-90 was issued against the workman for commission of the theft and after receipt of the reply of the workman, the enquiry was held by appointment of the Inquiry Officer and the Inquiry Officer conducted an impartial enquiry and the workman participated in the enquiry with his co-worker and the enquiry was fair and impartial and as the charges were found to have been proved against the workman, he was dismissed from service and after service of the order of dismissal on 20-2-91, the workman slept over the alleged rights claimed in the statement of claim till 12-4-98, when he filed an appeal before the Chief General Manager, which was rejected on 11-6-98 following due process of law and as the workman has claimed the reliefs after delay of seven years, the delay is fatal to the proceeding and the workman is not entitled to any relief. It has also been pleaded that S.K. Ismail, whose involvement was not much, was reinstated without back wages and with a warning on 21-2-96 on probation, which can be strictly termed as a fresh employment with the condition that the entire loss sustained by the

management is to be repaid by him.

6. As this is a case of dismissal of the workman from service, the validity of the departmental enquiry was taken as a preliminary issue and by order dated 5-7-2006, the enquiry was held not to be legal and proper. While passing orders regarding the validity of the enquiry, the objection raised by the management that the workman is not entitled to any relief due to the belated raising of the industrial dispute was taken into consideration and was answered in the negative.

At this juncture, it is necessary to mention that, on 21-11-2006, management filed a petition for review of the order passed regarding the validity of the departmental enquiry on 5-7-2006. The said petition was rejected by order dated 23-1-2007. On 23-1-2007, order was also passed to adduce evidence from the side of the management and the case was fixed to 5-2-2007 for the same. The case was adjourned from 5-2-2007 to 20-2-2007 and 20-2-2007 to 1-3-2007 on the applications of the management. On 1-3-2007, an application was filed by the management for time to file a writ before the Hon'ble High Court, Nagpur Bench, Nagpur. However, the said application was rejected and the case was fixed for passing of award. The management filed writ petition No. 1320/2007 challenging the orders passed on 5-7-2006 and 23-1-2007. However, the said writ petition was allowed to be withdrawn by the Hon'ble Court as per order dated 12-3-2008. Thereafter, the case was fixed for further proceeding. On 25-9-2008, management filed the evidence of a witness on affidavit, to which objection was raised by the workman. On 8-12-2008, management filed an application to accord post facto permission for filing of the affidavit. As the said application was rejected on 12-2-2009, the management filed writ petition No. 1139/2009 before the Hon'ble Court challenging the said order but the writ application was dismissed by the Hon'ble Court on 17-6-2009, with a direction for giving opportunity to the parties for argument on merits of the case. The management then filed L.P.A. No. 273/2009 before the Hon'ble Court to set aside the order of the Hon'ble single judge dated 17-6-2009. The said L.P.A. was allowed by the Hon'ble Court on 7-8-2009 and the management was allowed to prove the misconduct of the workman and direction was given to accept the affidavit evidence tendered by the management on record, subject to payment of cost of Rs.15,000 to the workman. According to the direction of the Hon'ble Court, the affidavit on record was accepted and the witness for the management was also cross-examined by the workman and thereafter, evidence was led from the side of the workman and after closure of evidence, argument was heard on merit.

7. Before entering into the merit of the matters, I think it proper to deal with some of the submissions made by the learned advocate for the management.

The first contention raised by the learned advocate for the management is that the claim has been filed by Lalzanda Coal Mines Mazdoor Union on behalf of the workman and the workman was not a member of the said union at the relevant time and as such the proceedings are not maintainable. In support of the contention, reliance is placed on the decision of the Hon'ble Apex Court reported in AIR 1997 SC - 1429 (M.R.Patil & another Vs. the member, Industrial Court and another).

In reply, the learned advocate for the workman submitted that the union in question is a recognized union under the "Indian Trade Union Act 1926" and the workman is a member of the said union and as this is a case of dismissal from service of the workman, the same is an industrial dispute as per Section 2A of the Act and as such, the workman is entitled to contest the dispute individually and also can be represented by the union of which, he is a member.

Perused the record. The workman has filed documents to show that he is member of the concerned union. It is also found from the documents on record that the concerned union raised the dispute on behalf of the workman before the Asstt. Labour Commissioner, Nagpur and in the enquiry and conciliation proceeding before the said commissioner, the management took part without raising any objection about the union taking the cause of the workman or that the union is not a registered union or that the workman is not a member of the said union.

With respect, I am of the opinion that the judgement of the Hon'ble Apex Court, on which reliance has been placed by the management, has no application in the present case at hand, as the facts and circumstances of the cases at hand are quite different from the referred in the decision. In the case referred in the decision, a non recognized union had filed a complaint before the Criminal Court without complying the interim direction given by the Industrial Court and the Criminal Court had taken cognizance of the offence, so the Hon'ble Apex Court found the order of cognizance taken by the Court without fulfilment of the mandatory provisions of Section 39 of the Act, to be without jurisdiction, which is not the case in the present case at hand. Hence, I find no force in the contention raised by the learned advocate for the management.

8. The second contention raised by the learned advocate for the management is regarding the non-maintainability of the reference due to the unexplained delay in filing the appeal by the workman after seven years

of the order of his dismissal and two years thereafter, of raising the dispute before the Asstt. Labour Commissioner and referring of the dispute by the Government in 2002. It is submitted that there is a delay of 11 years in referring the matter by the Government and as such, the delay is fatal to the proceedings. It is also submitted that the workman in his evidence has admitted that he did not dispute his dismissal, in writing any letter to the management up to 7-8-98 and his appeal was dismissed in 1998 and he approached the Asstt. Labour Commissioner in the year 2000 and as such, it can be held that the workman slept over the matter for seven years and was not vigilant and such the delay is fatal to the reference arising out of the alleged action of termination of service. In support of such contentions, the learned advocate for the management placed reliance on the decisions reported in (1997) 2 Supreme Court Cases - 617 (State Bank of India Vs. Govinda Rao), 1998(2) Maharashtra Law Journal (Bombay High Court) (State of Maharashtra Vs. Dnyaneshwar Rakmaji), 1960 (11) LLJ-71 (SC) (Jharkhand Collieries Vs. CGIT), 1980 (41) FLR-109 (Orissa) (Rauraela Mazdoor Sabha Vs. State), 1996 LIC 45 (DB) (P&H) (Balwant Singh Vs. Labour Court, Bhatinda) and AIR 1992 SC - 1414 (Bhoop Singh Vs. Union of India).

9. The learned advocate for workman on the other hand submitted that so far making reference on the industrial dispute is concerned, the Central Government is the only authority to take decision as to the existence of the industrial dispute between the workman and his employer and once it is found by the Central Government that the said dispute is still existed, it can refer the matter to the Tribunal and the law of Limitation is not applicable to the Industrial Court. In support of the contentions, the learned advocate for the workman placed reliance on the decision reported in 2001 AIR SCW-2685 (Sapankumar Pandit Vs. U.P. State Electricity Board).

It is clear from the decisions of the Hon'ble Apex Court and so also of the various Hon'ble High Courts, on which, reliance has been placed by the learned advocate for the management that law of limitation is not applicable to the Industrial Tribunal. However, the Hon'ble Apex Court have held that "it is a well accepted principle of industrial adjudication that over stale claims should not generally be encouraged or allowed unless there is satisfactory explanation for the delay. Apart from the obvious risk to industrial peace from the entertainment of claims after considerable long lapse of time, it is necessary also to take into account on unsettling effect, this is likely to have on the employer financial arrangement".

10. In the decision reported in 2001 AIR SCW 2685 (supra), the Hon'ble Apex Courts have held as follows:

"U.P. Industrial Disputes Act (28 of 1947), S.4-K. Reference - Limitation - period envisaged by term "at any time" in Section 4-K-Terminates with eclipse of industrial dispute - Facts showing that conciliation proceedings were not concluded on date of making reference- Thus, dispute existed on that day - Reference of dispute by Govt. - Cannot be quashed on ground of long delay. Industrial Disputes Act (14 of 1947), S.10. The words "at any time" as used in S.4-K are prima facie indicator to a period without boundary. But such an interpretation making the power unending would be pedantic. There is inherent evidence in this section itself to indicate that the time has some circumscription. The word "where the government is of opinion that any industrial dispute exists or is apprehended have to be read in conjunction with the words "at any time". They are, in a way, complimentary to each other. The Government's power to refer industrial for dispute an adjudication has thus one limitation of time and that is, it can be done only so long as the dispute exists. In other words, the period envisaged by the enduring expression "at any time" terminates with the eclipse of the Industrial dispute. It, therefore, means that if the dispute existed on the day when the reference was made by the Government, it is idle to ascertain the number of years which elapsed since the commencement of the dispute to determine whether the delay would extinguished the power of the Government to make the reference. Section 4-K indicates that if in the opinion of the Government, the dispute existed then the Government could make the reference. The only authority which can form such an opinion is the Government. If the Government decides to make the reference, there is a presumption that in the opinion of the Government, there existed such a dispute. Thus, when the Government have chosen to refer the dispute for adjudication under Section 4 K, the reference could not be quashed merely on the ground of delay. Of course, the long delay for making the adjudication could be considered by the adjudicating authorities while molding its reliefs".

11. So, keeping in view the principles enunciated by the Hon'ble Apex Court and other Hon'ble Courts as mentioned above, the present case in hand is to be considered. It is clear from the materials on record that the workman was dismissed from service as per order dated 20-2-91 and the workman filed appeal against such order on 12-4-98 and in the year 2001, the workman approached the Asstt. Labour Commissioner, Nagpur for redress and when the conciliation failed, the matter was reported to the

Central Government and the Central Government referred the dispute to this Tribunal. It is also clear from the materials on record that the workman was not supplied with the report of the Inquiry Officer, in spite of demand and the same was supplied to him when the conciliation proceeding was going on before the Asstt. Labour Commissioner, Nagpur. Moreover, the Government referred the matter holding that the industrial dispute between the workman and the management to be existing. Hence, it cannot be said that the delay has not been explained and by such delay, the reference has become stale. Hence, I find no force in the contention raised by the learned advocate for the management.

12. Now, the questions to be considered are regarding the perversity of the order and the quantum of punishment imposed against the workman.

The charge levelled against the workman was that he alongwith the two other employees of the WCL committed theft of Auto parts worth Rs.51,000 from the garage of Kamptee sub area in the night of 20-8-89. It is the admitted case of the parties that a First Information Report had been lodged by the Security Officer of Kamptee sub area, on behalf of the management on 21-8-89 at Kanhan Police Station. It is also found from the record that charge-sheet has been submitted by the Police against Shaikh Ismail, Yuvraj Zibal and three others. The workman was not named as an accused in the FIR. He has also not been charge-sheeted by the Police for commission of the theft. Perused the evidence adduced by the management during the departmental enquiry. There is no direct evidence against the workman showing his involvement in commissioning of the theft. The only evidence led against the workman was that Shaikh Ismail, one of the suspects involved in commission of the crime, while keeping the complete gear set of the Tripper in a scooter repairing garage of Kamptee had disclosed before the owner of the said garage of the workman sending the gear set for keeping the same in the said garage. However, Shaikh Ismail, who was examined as management witness No.4 did not support the case of the management. It is also clear from the record that the evidence of the management witness No. 1, 2 and 3 is hearsay evidence; as the person from whom they heard about Shaikh Ismail disclosing before the scooter garage owner about the workman sending the gear box set to be kept in the scooter repairing shop, has not been examined.

13. After the findings of this Tribunal that the departmental enquiry was not conducted in accordance with the principle of natural justice, the management examined one Shri V.K.Mishra to prove the charge levelled against the workman before this Tribunal. The workman also examined himself in support of his case. Perused the evidence adduced by the parties.

Shri V.K.Mishra had been examined as management witness No. 2 in the departmental enquiry. Before the Tribunal. Shri V.K.Mishra has given his evidence on

affidavit. In his evidence, this witness has claimed, to have lodged the FIR at Kanhan Police Station, but it is clear from the certified copy of the charge-sheet submitted by the Police that the F.I.R. was lodged by one Shri Subhashchandra Sridhar Mule, a Security Officer and not by Shri Mishra. Shri Mishra in his affidavit has mentioned his age to be 65 years and to be a retired employee of the WCL. However, in his cross-examination, he has admitted that he is still in service and his age and that he is a retired employee as mentioned in the affidavit are not correct. After perusal of the evidence of Shri V.K.Mishra, it is found that his evidence is hearsay evidence and there is nothing in his evidence to prove the charge of theft against the workman, so basing on such evidence, it cannot be held that the management has been able to show the involvement of the workman in commissioning of the theft of the auto parts even by preponderance of probability. It is necessary to mention here that Shaikh Ismail, against whom charge-sheet has been filed by the Police for committing the alleged theft, has already been reinstated in service by the management. Hence, I find the findings of the Inquiry Officer is perverse and as such the punishment imposed against the workman is also not justified. Hence, it is order.

ORDER

(a) The action of the management of the Sub Area Manager, Kamptee Sub Area of WCL in dismissing Shri Arshad Kamal Ansari, Ex-Driver from services w.e.f. 21-2-91 is not legal, proper and justified.

(b) The management of the WCL is directed to reinstate the workman, Shri Arshad Kamal Ansari in service with continuity of his service from the date of his dismissal i.e. 21-2-91. Keeping in view the principles enunciated by the Hon'ble Apex Court in the judgement reported in 2001 AIR SCW 2685 (supra), I do not think it proper to direct the management to give full wages to the workman from the date of his dismissal. Due to the delay in referring the dispute to the Tribunal, I think that payment of 25% of the back wages after deduction of the amount paid towards subsistence allowance and other amount paid, if any, will meet the ends of justice. So, the management is directed to pay 25% of the back wages w.e.f. 21-2-91 after deduction of the subsistence allowance and any other amount paid to the workman during the period of suspension and subsequently. The management is also directed to give consequential benefits such as promotion, wage fixation under the National Coal Wage Agreement and increments to the workman.

(c) The management is directed to implement the above directions within one month from the date of publication of the notification by the Government in this respect.

J.P. CHAND, Presiding Officer

नई दिल्ली, 18 अक्टूबर, 2010

क्र.आ. 2837.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जवाहर नवोदय स्कूल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 29/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2010 को प्राप्त हुआ था।

[सं. एल-42011/44/2006-आईआर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 18th October, 2010

S.O. 2837.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 29/2008) of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Jawahar Navodaya School and their workman, which was received by the Central Government on 18-10-2010.

[No. L-42011/44/2006-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JAIPUR

PRESENT

N. K. PUROHIT, Presiding Officer

I.D. 29/2008

Reference No. L-42011/44/2006-IR (DU) dated:

8-2-2008

BETWEEN

Shri Ramesh Chand Jatav,
Ward No. 7, Pantnia Mohalla,
Kherthal, Alwar

V/s

1. The Principal,
Jawahar Navodaya Vidyalaya,
Kherthal, Alwar.

2. The Asst. Director,
Jawahar Navodaya School Samiti,
A-12, Shastri Nagar, Jaipur

AWARD

16-8-2010

1. The Central Government in exercise of the powers conferred under clause (d) of sub-section 1 & 2 (A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication which runs as under:—

“Whether the action of the management of the Jawahar Navodaya School, Alwar in not regularizing the services of their workman Shri Ramesh Chand Jatav is legal and justified? If not, to what relief the workman is entitled to and from which date?”

2. Indisputably, the workman had earlier challenged the validity of the action of the Principal, Jawahar Navodaya Vidyalaya, Khairthal, in termination of his services w.e.f. 19-9-95 by raising an Industrial Dispute which was referred before this Tribunal u/s 10 of the Industrial Disputes Act. Vide Award dated 8-12-99 the Tribunal held the said action unjustified & illegal and directed the school's management to reinstate the workman with continuity in service. Pursuant to the said direction the workman has been reinstated and he is still working with the said school.

3. The workman in his claim statement has contended that though he was reinstated in compliance of the directions in the award dated 8-12-99, but neither his service has been regularized nor the salary payable to regular class IV employee, is being paid to him. Thus, the management has resorted to unfair labour practice.

4. Disputing the claim of the workman in its written statement, the management has pleaded that the workman was never engaged as class IV employee & no order of any appointment was ever issued to him. It is further pleaded that the workman was engaged as part time daily wager to assist the regular cook of the mess in the month of July, 98, therefore, he was not entitled for regularization on the post of class IV employee. Moreover, no such post is lying vacant. The management has also raised objections regarding maintainability of the claim on the ground that non-applicant school is not an 'industry' within the meaning of section 2-(J) of the Act and no relation of employer and employee ever existed between the parties.

5. In rejoinder, the workman has only reiterated the earlier averments made in his claim statement.

6. In oral evidence, the workman has submitted his affidavit who was cross-examined on behalf of the school. In defense, affidavit of Sh. Rajesh Kumar Gupta, Principal, Jawahar Navodaya Vidyalaya, Khairthal, was placed on record who was cross-examined on behalf of the workman. Both the parties have also led the documentary evidence in support of their respective case.

7. On the pleadings of the parties, the following points for determination emerge for consideration:

- I. Whether the non-applicant school is an 'industry' as defined u/s 2-(J) of the Act?
- II. Whether the workman is entitled for regularization of his service from the date of his initial engagement?

III. Whether the workman is entitled for salary in the regular pay scale meant for class IV employee on the basis of the Principal of equal pay for equal work?

IV. Whether the workman is entitled for any relief.

8. I have heard both the parties & have gone through the record. The point wise discussion follows as under:—

Point No. I

9. The learned representative on behalf of the management has contended that the school does not fall within the definition of 'industry' u/s 2- (J) of the Act and being an educational institution not doing any trade or business, the school is a non-profit making organization. Whereas the learned representative for the workman has submitted that the school is an 'industry' in the view of decision of Hon'ble Supreme Court in AIR 1976 SC 548. He has further submitted that the same objection regarding maintainability of the claim was also raised by the non-applicant in earlier reference but the issue in this regard was decided against the management. Therefore, the objections raised by the management is not sustainable.

10. In AIR 1976 SC 548 the Hon'ble Apex Court has laid down that an educational institution is an 'industry'. The relevant observation is quoted as below:—

"The final ground accepted by the Court is that education is a mission and vocation, rather than a profession or trade or business. The most that one can say is that this is an assertion which does not prove itself. Indeed, all life is a mission and a man without a mission is spiritually still-born. The high mission of life is the manifestation of the divinity already in man. To christen education as a mission even if true, is not to negate its being an industry. We have to look at educational activity from the angle of the Act, and so viewed the ingredients of education are fulfilled. Education is, therefore, an industry and nothing can stand in the way of that conclusion."

11. The aforementioned judicial pronouncement lends support to the submissions advanced on behalf of the workman. Moreover, in earlier award dated 8-12-99 the parties were same and objection regarding maintainability of reference on the same ground was raised by the management and the issue has already been decided against the management. The said award has gained finality. In view of above, it is held that non-applicant institution is an 'industry' within the meaning of definition 'industry' u/s 2-(J) of the Act.

Point No. II

12. It is pertinent to mention that the workman filed an O.A. against the management before the Central Administrative Tribunal which was register as 591/03. In the said O.A. the workman prayed for regularization and grant of the minimum wages. But without deciding the O.A.

on merit, it was disposed of on 19-12-03 with the observation "the applicant is at liberty to approach appropriate labour Court/Industrial Tribunal for ventilating his grievances in case employer is resorting to unfair labour practice and not paying wages as per law." It has been further observed "admittedly, the applicant is part time worker." It is also pertinent to mention that the order of the CAT was challenged in DB civil writ petition 719 2004 but Hon'ble High Court vide order dated 10-2-2004 dismissed the writ petition at admission stage with following observations:

"The admitted case of the petitioner before the Tribunal was that petitioner is a part-time worker and there is no scheme to regularize the service of the part-time workers and that has been squarely covered by the decision of the Apex Court in the case of Secretary, Ministry of Communication & ors. Vs. Sakkubai & Another. [1998 SCC (L&S) 119]."

13. Subsequently, in the D.B. Civil Review Application 36/2004 filed by the petitioner, it was submitted that he had never admitted that he was a part time worker, though he was designated so and it was the case of respondents. While considering the above submission, Hon'ble High Court modified its earlier order dated 10-2-2004 as under:

"In our order dated 10-2-2004, for the words the admitted case of petitioner before Tribunal was that petitioner is a part time worker" read "the case of the respondents that petitioner was a part time worker and he has been designated so. As per record he is a part time worker."

14. In above factual backdrop it is to be considered whether the claim of the workman for regularization in the service is justified. The workman has stated in his statement that he was initially appointed as class IV employee on 1-8-94. He has also stated that he was appointed as office peon by the Principal of the school vide order dated 7-7-1995 and in this regard an application was also submitted by him. He has further stated that he was working in the office as well as in the mess. To substantiate his claim, the workman has produced an experience certificated dated 23-9-1995 given by Sh. K.P. Mathur the then Principal of the School at Khairthal and a copy of the order dated 3-7-1995 issued by acting Principal of Jawahar Navodaya Vidyalaya, Khairthal.

15. In rebuttal the management witness has denied this fact that the workman was engaged as class IV employee. He has stated that the workman was engaged in the month of July 1994 as part time daily wagger to help other cooking staff.

16. In the experience certificate dated 23-9-1995 submitted by the workman, it has been categorically mentioned that he was working as part time employee in the mess of the school. The next document submitted is an office order dated 3-7-95 pertaining to work distribution. In the said document also, the workman has been shown as a part time worker. Thus, the plea of the workman that he was

engaged as class IV employee on 1-8-1994 does not find support even from the document relied upon by him.

17. The learned representative on behalf of the workman submitted that though the workman has been designated as part time worker but he has been doing work for more than 8 hours since his initial engagement and it is evident from the office order dated 3-7-95, pertaining to work distribution that working hours were from 8.30 am to 4.45 pm and job assigned to him was identical to the job of class IV employee. He has further submitted that since the workman was reinstated in compliance of the award passed by the Tribunal, therefore, he should have been treated as a regular employee. It is also submitted that even in case of casual workers, Hon'ble Apex Court has directed to regularize the service with parity in pay. In support of his contentions he has placed reliance on (i). 1990 2 SCC 396, Dharwad District PWD literate daily wages employee Association & others v/s State of Karnataka & others (ii) 2010 (4 SCC 179) Satyaprakash & others v/s State of Bihar & others.

18. Per contra, the learned representative for the management has urged that the workman being a casual wage worker he could not claim to be regularized or made permanent mainly on the strength of continuity as he has no legal right to be regularized. He has relied on AIR 2006 Supreme Court 1806 (1) Secretary, State of Karnataka v/s Uma Devi & others.

19. I have bestowed my thoughtful consideration on the rival submissions and case laws referred by both the sides.

20. In 1990 (1) 2 SCC 396 Hon'ble Apex Court has observed that daily/monthly rated or casual workers who were working continuously for long under instrumentalities of the state organization must be regularize in service with parity in pay. Accordingly, a scheme was finalized by the Court giving direction inter alia for regularizing services of workers who completed ten years service and for remaining workers in a phased manner.

21. But in Uma Devi's Case AIR 2006 S. C. 1806 (1) while considering the matter pertaining to regularization, the constitutional bench of the Hon'ble Apex Court after analyzing its earlier decisions including aforementioned case law has observed as under:

"Unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes same would come to an end when it is discontinued. Similarly a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled

to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the Court to prevent regular recruitment at the instance of temporary employees whose period of employment has come to end or of ad hoc employees who by the very nature of their appointment, do not acquire any right..... Moreover, the invocation of the doctrine of legitimate expectation cannot enable the employees to claim that they must be made permanent or they must be regularized in the service though they had not been selected in terms of the rules for appointment. The fact that in certain cases the Court had directed regularization of the employees involved in those cases cannot be made use of to found a claim based on legitimate expectation.

When a person enters a temporary employment or gets engagement as a contractual or casual worker and the engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection."

22. Again in recent decision 2010 4 SCC 479, while considering the matter of regularization of daily wage employee, it has been observed by Hon'ble Apex Court that daily wage employees are not entitled for regularization in terms of one time relaxation granted in Uma Devi case as para 53 of the said case draws distinction between temporary employee daily wage on one hand and those appointed irregular basis on the other hand. One time relaxation in para 53 was granted only in view of irregularly appointed employees. Accordingly, the claim of daily wages employees for regularization in terms of para 53 was rejected.

23. In present case, the workman has failed to establish that his initial appointment was under any rules or against any vacant post. Neither his name was sponsored by employment exchange nor any appointment letter was ever issued to him. Moreover, he has been shown as part time worker in the documents i.e. experience certificate dated 23-9-95 and office order pertaining to work assignment produced by the workman. Even, if the workman has been working as daily wage and performing duties identical to the job of class IV since his initial engagement, he is not entitled for regularization in the light of principle laid down in Uma Devi Case. Admittedly, the workman was reinstated in compliance of the award dated 8-12-99 but

by reinstatement with continuity in service, he has not acquired any right to be regularized. The nature of status of the workman has not changed merely on the ground of reinstatement under an award. Therefore, the contention of the learned representative for the workman that principle laid down in Uma Devi's case are not applicable as the workman has been reinstated by the order of the Tribunal is devoid of any substance. In view of above this point is decided against the workman.

POINT NO. III

24. The learned representative for the workman contends that the workman has been discharging the duties identical in nature to the duties being discharged by other class IV employees serving the school. In this regard he has pointed out the work job assigned to the workman vide office order dated 3-7-95, it is further contended that the workman is being paid in the form of consolidated wages in violation of the principle of equal pay for equal work. In support of his contention he has placed reliance on (1990) 2 SCC 396 & 1992 (3) WLC (Raj) 531.

25. The learned representative on behalf the management has submitted that the reference under adjudication pertains to regularization and the claim of parity in pay is beyond the scope of terms of reference.

26. In present case, the term of reference under adjudication is as to whether the action of the school's management in not regularizing the service of their workman is justified. It is settled legal position that the Tribunal is not free to enlarge the scope of the dispute referred to it. It's jurisdiction is limited to the dispute so referred Section 10 (4) of the Act permits the Tribunal to decide only dispute or point referred to it and matter incidental thereto.

27. It is evident from the term of reference under adjudication that matter referred for adjudication is regarding justification of non regularization of the workman. The controversy raised by the workman in its claim regarding parity of pay with class IV employees of the school is beyond the scope of the terms of reference. Therefore, this Tribunal cannot proceed to adjudicate the matter not referred to it. The facts of the referred case are not applicable to the case in hand. Accordingly this point is also decided against the workman.

POINT NO. IV

28. Since the point No. II & III have been decided against the workman, the workman is not entitled for the relief claim by him and his claim deserves to be rejected.

29. In the result, it is held that the action of the management of the Jawahar Navoday Vidyalay, Alwar in not regularizing the service of the workman Shri Ramesh Chand Jatav is legal and justified. The reference under adjudication is answered accordingly.

30. Award as above.

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 18 अक्टूबर, 2010

का.आ. 2838.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेन्डेन्ट ऑफ पोस्ट आफिसों के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भावनगर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2010 को प्राप्त हुआ था।

[सं. एल-40012/190/96-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 18th October, 2010

S.O. 2838.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhavnagar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sr. Supdt. of Post Offices and their workmen, which was received by the Central Government on 18-10-2010.

[No. L-40012/190/96-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE SHREE S.S. PANCHAL, INDUSTRIAL TRIBUNAL, CENTRAL, BHAVNAGAR

Reference I.T.C. (New) No. 11 of 2009

Reference I.T.C. (Old) No. 11 of 1998

First Party :

The Senior Supdt. of Post Offices,
General Post Office, Dawn Chowk,
Bhavnagar.

V/s

Second Party :

It's Workman Mr. Ajay Kumar,
Nandlal Andhariya,
C/o. Shramik Sangh, Pradeep Thakkar,
High Court Road,
Bhavnagar.

Advocate for the First Party Mr. Kamalbhai Bhatt.
Representative for the Second Party Mr. Pradeep
Thakkar.

AWARD

1. This industrial dispute is between the Sr. Supdt. of Post Offices, General Post Office, Bhavnagar and its workman Mr. Ajay kumar Nandlal Andharia. This Reference was referred to this Central Tribunal, for the adjudication, by the Government of India/ Bharat Sarkar, Ministry of Labour/Shram Mantralaya, New Delhi, vide it's Office order No. L-40012/190/96- IR (DU) dated : 2-2-1998. The schedule of the dispute is as under :

"Whether the action of the management of Senior Supdt. of Post Offices, Bhavnagar in terminating Shri Ajaykumar Nandlal Andharia is legal and justified? If not to what relief the workman is entitled to?"

2. In the present reference case first party No. 1 Sr. Supdt. of Post Offices, Bhavnagar, will be referred as a

"first party No.1", while concerned workman will be referred as a "Second Party concerned workman." The Second Party concerned workman has filed his statement of claim vide Ex-7 and has represented to this Tribunal that, Second Party concerned workman was working as a Postman since September, 1986 and was engaged accordingly by the First Party. The Second Party concerned workman was paid Rs. 40 daily. Second Party concerned workman has performed his duty continuously and satisfactorily till the date of his termination i.e. 6-4-1988. All of a sudden the services of concerned workman were terminated without following any due process of law w.e.f. 6-4-1988. Further, Second Party concerned workman has represented that, First Party has adopted the practice of rotating the employees on the basis of daily wager or temporary since years and such practice is adopted only with a view to deprive them of the benefits of regularization and Temporary Status etc. Further, Second Party concerned workman has represented that Junior workers then the concerned workman are serving in the First Party till the day. The Junior workmen also were retrenched from his services but they had filed the reference case No. 8/1991 & No. 16/1991, and were ordered to reinstate in the services. After terminating the service of Second Party workman, the workman had made several representations to the First Party and in response of his representations to the First Party has informed the Second Party concerned workman that the workman is terminated with a view to accommodate better eligible person. Therefore there is no ground or justification for engaging the fresh employee. Not only that, but as per the provisions of Sec. 25-H of I.D. Act, no retrenchment compensation or notice pay or notice is paid to the Second Party concerned workman and no other procedure prescribed under the I.D. Act is followed by the First Party and therefore the action of the First Party management in terminating the service of the workman is totally illegal and inoperative in law and required to be quashed and set aside. The services of Second Party workman are terminated by oral order only. Therefore the said oral order of termination is required to be quashed and set aside in the interest of justice. Not only that, but in the present reference case, no such procedure is followed by the First Party and straightway the services of workman are terminated without following any departmental enquiry. Therefore, it seems clear that the First Party has adopted pick and choose policy and without any justification and without any reason and without following any provisions of law has terminated the service of Second Party workman. The post on working the concerned workman was in nature of the permanent. The fresh candidates have been appointed on the said post by the First Party. Even though there are many vacant posts. The Second Party concerned workman is qualified. The records of his presence are in the custody of the First Party. In the above-mentioned facts and circumstances of the case, the First Party has made a clear breach of the Ss. 25-F, G, H of the Industrial Dispute Act, 1947. Looking to the above circumstances, the Second Party workman has prayed that,

this Tribunal may declare illegal the action of the First Party. The First Party may also be directed to reinstate the Second Party workman on his original post with full back wages and continuity of service and with all consequential benefits.

3. In reply of the statement of the Claim, the First Party has submitted his reply vide Ex-14 and submitted that, the present Reference case is purely made false and against the provisions of Law and hence the present reference case is liable to be rejected. Second Party concerned workman was never appointed on the post of Postman. The present workman was never engaged as a permanent workman. The present workman was engaged as an outsider, only where and when the regular appointed workman goes on leave. He was paid minimum wages as his pay plus D.A. During the any year like in 1986, 1988, 1989 and 1990 the concerned workman has never completed more than 240 days. The concerned workman was not retrenched from his services from 6-4-1988. The present reference is made after a long time i.e. after 10 years. The concerned workman had never been given written order for the appointment or retrenchment. The present concerned workman was appointed on purely and temporarily base and only up to till the other regular Postman may not be appointed. Second Party concerned workman has not completed 240 days during any year continuously and therefore the concerned workman is not entitled to reinstate on the post. The name of the concerned workman was not recommended by the Employment Exchange. The Second Party concerned workman has not completed due process of law for the appointment and hence he is not eligible to reinstate. It is not true that, the junior workman then the concerned workman has been appointed on the post. The First Party has not made any breach of the Ss. 25-F, G, H. The concerned workman is not entitled to reinstate as per the principles laid down in the case of *Mr. Premjibhai L. Gamit V/s. Executive Engineer (Panchayat) R & B. Divi. Surat* published in 1998, (3), G.L.R. page 2550. Not only that, but also Hon'ble Supreme Court of India has laid down the principle that, the I.D. Act is not applicable to the workman working under the stop gap arrangement. Therefore the present Reference is liable to be rejected.

4. The Second Party concerned workman has produced an application to order to the First Party to produce the documentary evidences asked in purses Ex.9. The Second Party concerned workman has produced their documentary evidences vide Ex. 10, and the said documents have been exhibited 27 to 30. The Second Party concerned workman has produced a school leaving certificate of the Second Party vide Ex.25. The concerned workman was examined vide Ex.26 and was cross examined by the First Party. The Second Party concerned workman has produced a purses vide Ex.40 stating that, they are submitting the examination in chief of the Mr. Vaghela taken in Ref. I. T. C. No. 10/2009, because the Ref. I.T.C. No. 10/2009 is the case connected with this case also and the same question is also raised in the said reference also. The Second Party workman has produced his closing purses vide Ex.33.

5. The First Party has submitted their affidavit of one Mr. Vaghela Vithalbhai Ladhubhai, vide Ex.35. The First Party has produced its documentary evidences vide Ex.15. The Ex.15 is contended, and showing with the working days of the concerned workman during the years:1986, 1987, 1988, 1989 and 1990. The First Party has produced his closing purses vide Ex.42.

6. The Second Party concerned workman has produced their written argument vide Ex.43 while, the First Party has produced their written argument vide Ex.45. Both the written arguments made by the parties have been taken into the consideration.

7. After taking into consideration the written arguments of the both the parties, looking to the documentary evidences, examination in chives, produced in the present reference case, this Tribunal has to decide that, Whether the action of the management of Senior Supdt. of Post Offices, Bhavnagar in terminating Shri Ajaykumar Nandlal Andharia, is justified and legal? If not to what relief the workman is entitled to?

8. Looking into the present Reference case, learned advocate Mr. Thakkar, for the Second Party concerned workman has argued in his written argument that, the Second Party concerned workman was engaged on the post of Postman by the First Party during the year 1986 to 1988, and was paid Rs. 40 daily, as remuneration. There was an Employee-Employer relation was between both the parties. The concerned workman has produced his examination in chief vide Ex.26 and in the said examination in chief the concerned workman has stated that during the different years he had worked more then 240 days. And against this evidence the First Party has not submitted any documentary evidences.

9. The representative of the Second Party concerned workman submits in his written argument that, the concerned workman was retrenched from his services from 6-4-1988 by an oral order. Thus, the Second Party concerned workman has completed more than 240 days during the every calendar year i.e. between 1986 to 1988. From the 6-4-1988 the Second Party concerned workman was retrenched from his services by an oral order.

10. In his argument the Second Party concerned workman has argued that, the witness of the First Party Mr. Vaghela Vithalbhai Ladhubhai vide Ex.34, has confessed in his oral evidence that, he doesn't know how the Second Party concerned workman was appointed. Looking to the cross examination of the witness of the First Party there is a clear breach of Ss. 25-F, G & H of the I. D. Act 1947. The Second Party concerned workman has cited the decisions given by the Apex Courts as under :

1. A.I.R. -1996, S.C. Page -2526

2. G.L.H. (1) 2005, Guj. High Court, page 340

11. While the First Party has presented their written argument vide Ex. 45. Looking to the said argument of the First Party has stated that, the Second Party concerned workman has not produced documentary evidence to prove his statement in the present case. The Second Party concerned workman has not proved his presence in the First Party during the period he has stated. The cases cited by the Second Party concerned workman are not connected with the Second Party concerned workman and are not supported decisions. The oral evidence of the Second Party concerned workman can not be considered in the present reference case. The records presented by the First Party are more reliable then the Second Party concerned workman, because the said produced records are Government records. The principles lay down by the Hon'ble Supreme Court of India, if a candidate would be selected for the office of the State Government or Central Government. The due process of the law should be followed. in the present reference case the due process of law for the recruitment is not followed by the Second Party concerned workman and hence the present reference is liable to be rejected. The First Party has cited the judgment delivered by Hon'ble Supreme Court of India in 2006, (4) S. C. C. page. 01, The Secretary of the State of Karnataka V/s. Uma Devi.

12. Looking to the arguments of the both the parties and records produced by the both the parties, and oral evidences, it is very clear in this case that, the Second Party concerned workman was appointed as a 'Postman' in the First Party since September, 1986 and was paid Rs. 40 daily as remuneration. In his statement of claim concerned Second Party workman has declared that, he was retrenched from his services from 6-4-1988. Though, the Second Party concerned workman has worked under the First party during the preceding year more then 258 days, but looking to the documentary evidence produced vide Ex. 15, the list of working days of the concerned workman, the concerned workman has worked under the First Party till the 29, December, 1990. Hence, the statement made by the concerned workman that, he had been retrenched from the services from 6-4-1988 is not true, because the documentary evidences says the other things while oral evidence says other things. Hence, it can be said that, the concerned workman has not come this Tribunal with clean hand. Though, the concerned workman has proved his presence more than 240 days in the preceding year during he had worked. In his cross examination taken vide Ex. 26, the concerned workman confesses that, he had not given any oral examination, further he has stated in cross examination that, it is true that, he had not given any written examination. Thus, looking to the cross examination of the concerned workman it is very clear that, the concerned workman has not been appointed after completing the due process of the law. In the present reference case the learned advocate for the Second party concerned workman has cited the decision given by the Hon'ble High Court of Gujarat in the case of the State of Gujarat and Anr. V/s. Katuben Tapubhai.

2010, (2), G.L.H. 214. The present cited case is about the shifting of the burden of proof. While in the present case, there is no question raised by any party about the shifting of the burden of proof. Hence, the principles laid down in the aforesaid case this Tribunal gives the great honour, but the said principles are not helpful to the Second Party concerned workman.

13. In the present reference case the learned advocate for the Second Party concerned workman has cited the another decision given by the Hon'ble Supreme Court of India, in the case of the Central Bank of India V/s. S. Satyam, 1996, A.I.R. S.C.W. 3138. The present cited case is about the retrenched workman covered by Section 25-F or not. While in the present case, looking to the documentary evidences it is very clear that, the concerned workman had worked in the First party till the 29-12-1990. while the concerned workman has stated in his written statement that, he was retrenched from the services with effect from 6-4-1988. Looking to the documentary evidences it is very clear that, the concerned workman was retrenched from the services from 29-12-1990 and not from 6-4-1988. Therefore, there is no question arise about the applicability of Section 25-F. Hence, the principles laid down in the aforesaid case, this Tribunal gives the great honour, but the said principles are not helpful to the case of the Second Party concerned workman.

14. In this Reference case, the Advocate of the First Party has cited a judgment delivered by Hon'ble Supreme Court of India in 2006, (4), S.C.C. page. 01, The Secretary of the State of Karnataka V/s. Uma Devi. Looking into the judgment delivered by the Hon'ble Supreme Court of India, if a workman is appointed on irregular bases the workman has neither the right to reinstate nor to be a regular workman. In the aforesaid judgment the Hon'ble Supreme Court of India has cited on para-34 as under :—

“If it is a contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employees could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage-worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the court to prevent regular recruitment at the instance of temporary employees whose period of employment has come to an end or of ad hoc employees who by the very nature of their appointment, do not acquire any right.”

15. Further, the First party has raised a topic, that the Second Party concerned workman has made this reference after such a long time, i.e. after 10 years. Looking to the

judgment delivered by the Hon'ble Supreme Court of India, 2006, III, LLJ, Manager (Now Regional Director) R.B.L. V/s. Gopinath Sharma and Another, the Hon'ble Supreme Court of India has observed as under :—

“Respondent, wait-listed for daily wage casual employment in appellant-Reserve Bank of India, and allowed to work for 58 days in 1975-1976 raised a dispute over his exclusion from such list in 1976, after a period of 13 years and a reference was made to the Industrial Tribunal.

Held : The Supreme Court observed that the respondent had worked only for 58 days. The reference for adjudication was made nearly 13 years after the respondent discharge in 1976. A dispute which was stale could not be subject matter of the reference.”

16. Not only that, but also in other case delivered by Hon'ble supreme Court of India, in the case of Asstt. Engineer, CAD, Kota V/s. Dhan Kumwar, the Hon'ble Court has observed as under :—

“The Supreme Court observed the dispute was raised by the respondent about eight years after the termination of her service. It pointed out merely; because the Industrial Disputes Act, 1947 did not prove a limitation period for raising a disputes did not mean that the dispute could be render at any time.”

17. Looking to the case on hand the concerned workman was retrenched from his services from 6-4-1988, while the present reference case has been raised on 2-2-1998. This shows that, the present reference is made after such a long time i.e. after delay of the 10 years, and has not given proper explanation for the said delay. Therefore this Tribunal also can not give any permission to raise his reference case at any time to the concerned workman. Not only that, but the concerned workman has not proved his termination was made from 6-4-1988, and therefore he has not proved his termination is illegal, and unjustified. Looking to the documentary evidences produced by the First Party vide Ex. 15, it is very clear that, the concerned workman has worked until 29-12-1990. Thus, it can not be proved by the concerned workman that, he was retrenched from his services, which he has shown. And therefore there is no question arise for the compliance of Ss. 25-F, G & H of the Industrial Disputes Act, 1947. Thus, this reference is liable to be rejected. Therefore, this Tribunal passes the following order :—

ORDER

1. The Reference made by Shri Ajaykumar Nandlal Andharia is rejected accordingly.

2. There is no order as to cost.

Bhavnagar.

Dated : 29-9-2010

S. S. PANCHAL, Industrial Tribunal,

नई दिल्ली, 18 अक्टूबर, 2010

का.आ. 2839.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान एटोमिक पावर प्लांट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 73/07) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2010 को प्राप्त हुआ था।

[सं. एल-42011/124/2007-आईआर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 18th October, 2010

S.O. 2839.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 73/07) of the Central Government Industrial Tribunal-Cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Rajasthan Atomic Power Plant and their workman, which was received by the Central Government on 18-10-2010.

[No. L-42011/124/2007-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JAIPUR

PRESENT

N. K. PUROHIT,
Presiding Officer

I.D. 73/07

Reference No. L-42011/124/2007/IR(DU)
dated: 22-10-2007

The General Secretary
Rajasthan Anushakti Pariyojna Karamchari Sangh
(INTUC), INTUC Office, Pratap Circle,
PO Bhabhanagar, Kota (Rajasthan)-323307

V/s

The Site Director
Rajasthan Atomic Power Plant unit 1 to 6
PO: Rawatbhata via Kota (Raj.)-323305

AWARD

20-08-2010

The Central Government in exercise of the powers conferred under clause (d) of sub-section 1 & 2(A) of Section 10 the Industrial Disputes Act, 1947 has referred the following Industrial dispute to this tribunal for adjudication which is as under :—

“Whether the action of management of Rajasthan Atomic Power Plant Unit 1 to 6, in denying financial upgradations to six LDCs, namely S/Shri B. Bohra, S.K. Dubey, Zalim Singh, N.U. Khan, Aleem Chandani and Gopal Khati, in the scale of Rs. 5000-150-8000, after completion of 24 years service, w.e.f. 9-8-99, is legal and justified? If not, to what relief the workmen are entitled to?”

2. Pursuant to the receipt of the reference, the registered notices were issued to both the parties. It appears from the record that the representative on behalf of the R.A.P.P. has appeared but none has appeared on behalf of the Union.

3. Upon careful perusal of the records it appears that acknowledgement receipt of the registered notice issued to the General Secretary, Rajasthan Anushakti Pariyojna Karamchari Sangh, P.O. Bhabhanagar, Kota is on the record, but despite service of registered notice none has appeared on behalf of the Union before the Tribunal to file claim statement.

4. Resultantly, no matter could be placed before the Tribunal to adjudicate the matter on merit. It appears that the claimant union is not willing to contest further. Thus under these circumstances “No Claim Award” is passed in this matter.

4. Award as above.

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 18 अक्टूबर, 2010

का.आ. 2840.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेन्डेंट ऑफ पोस्ट ऑफिस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भावनगर के पंचाट (संदर्भ संख्या) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2010 को प्राप्त हुआ था।

[सं. एल-40012/189/96-आईआर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 18th October, 2010

S.O. 2840.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhavnagar as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Sr. Supdt. Of Post Offices and their workman, which was received by the Central Government on 18-10-2010.

[No. L-40012/189/96-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE**BEFORE SHREE S.S. PANCHAL, INDUSTRIAL
TRIBUNAL CENTRAL, BHAVNAGAR****Reference I.T.C. (New) No. 10 of 2009****Reference I.T.C. (Old) No. 12 of 1998**

First Party : The Senior Supdt of Post
Offices, General Post Office,
Dawn Chowk, Bhavnagar.

V/s.

Second Party : It's Workman
Mr. Bharatkumar Jethalal
Astik, C/o. Shramik Sangh,
Pradeep Thakkar, High Court
Road, Bhavnagar.

Advocate for the First Party Mr. Kamalbhai Bhatt,
Representative for the Second Party Mr. Pradeep Thakkar.

AWARD

1. This industrial dispute is between the Sr. Supdt. of Post Offices, General Post Office, Bhavnagar and its workman Mr. Bharatkumar Jethalal Astik. This Reference was referred to this Central Tribunal for the adjudication, by the Government of India/Bharat Sarkar, Ministry of Labour/Shram Mantralaya, New Delhi, vide it's Office order No. L-40012/189/96-IR (DU) dated : 2-2-1998. The schedule of the dispute is as under :

“Whether the action of the management of Senior Supdt. of Post Offices, Bhavnagar in terminating Shri Bharatkumar Jethalal Astik is legal justified ? If not to what relief the workman is entitled to ?”

2. In the present reference case first party No. 1 Sr. Supdt. of Post Offices, Bhavnagar, will be referred as a “first party No. 1”, while concerned workman will be referred as a “Second Party concerned workman.” The Second Party concerned workman has filed his statement of claim vide Ex-7 and has represented to this Tribunal that, Second Party concerned workman was working as a Postman since August, 1986 and was engaged accordingly by the First Party. The Second Party concerned workman was paid Rs. 40 daily. Second Party concerned workman had performed his duty continuously and satisfactorily till the date of his termination i.e. 1-01-1991. All of a sudden the services of concerned workman were terminated without following any due process of law w.e.f. 1-01-1991. Further, Second Party concerned workman has represented that, First Party has adopted the practice of rotating the employees on the basis of daily wages or temporary since years and such practice is adopted only with a view to deprive them of the benefits of regularization and Temporary Status etc. Further, Second Party concerned workman has

represented that, junior workers then the concerned workman are serving in the First Party, till the day. The Junior workmen also were retrenched from his services but they had filled the reference case No. 08/1991 to No. 16/1991, and were ordered to reinstate in the services. After terminating the service of Second Party workman, the workman had made several representations to the First Party and in response of his representations the First Party has informed the Second Party concerned workman that the workman is terminated with a view to accommodate better eligible person. Therefore there is no ground or justification for engaging the fresh employee. Not only that, but as per the provisions of Sec. 25-H of I.D. Act, no retrenchment compensation, or notice pay or notice is paid to the Second Party concerned workman and no other procedure prescribed under the I.D. Act is followed by the First Party and therefore the action of the First Party management in terminating the service of the workman is totally illegal and inoperative in law and required to be quashed and set aside. The services of Second Party workman are terminated by oral order only. Therefore the said oral order of termination is required to be quashed and set aside in the interest of justice. Not only that, but also, in the present reference case, no such procedure is followed by the First Party and straightway the services of workman are terminated without following any departmental enquiry. Therefore, it seems clear that the First Party has adopted pick and choose policy and without any justification and without any reason and without following any provisions of law has terminated the service of Second Party workman. The post on working the concerned workman was in nature of the permanent. The fresh candidates have been appointed on the said post by the First Party. Even though there are many vacant posts. The Second Party concerned workman is qualified. The records of his presence are in the custody of the First Party. In the above-mentioned facts and circumstances of the case, the First Party has made a clear breach of the Ss. 25-F, G, H of the Industrial Disputes Act, 1947. Looking to the above circumstances, the Second Party workman has prayed that, this Tribunal may declare illegal the action of the First Party to remove him from his services. The First Party may also be directed to reinstate the Second Party workman on his original post with full back wages and continuity of service and with all consequential benefits.

3. In reply of the Statement of the Claim, the First Party has submitted his reply vide Ex-14 and submitted that, the present Reference case is purely made false and against the provisions of Law and hence the present reference case is liable to be rejected. Second Party concerned workman was never appointed on the post of Postman. The present workman was never engaged as a permanent workman. The present workman was engaged as an outsider, only where and when the regular appointed workmen were gone on leave. He was paid minimum wages

as his pay plus D.A. The concerned workman has never completed more than 240 days in any calendar year and therefore the concerned workman is not entitled to reinstate on his post. During the any year like in 1986, 1987, 1988 and 1989 the concerned workman has never completed more than 240 days. The concerned workman was not retrenched from his services from 1-01-1991. The present reference is made after a long time i.e. after 10 years. The concerned workman had never been given written order for the appointment or retrenchment. The present concerned workman was appointed on purely and temporarily base and only up to till the other regular Postman may not be appointed. Second Party concerned workman has not completed 240 days during any year continuously and therefore the concerned workman is not entitled to reinstate on the post. The name of the concerned workman was not recommended by the Employment Exchange. The Second Party concerned workman has not completed due process of law for the appointment and hence he is not eligible to reinstate. It is not true that, the junior workman then the concerned workman has been appointed on the post. The First Party has not made any breach of the Ss. 25-F, G & H. The concerned workman is not entitled to reinstate as per the principles laid down in the case of Mr. Premjibhai L. Gamit V/s. Executive Engineer (Panchayat) R & B. Divi. Surat published in 1998, (3), G.L.R. page 2550. Not only that, but also Hon'ble Supreme Court of India has laid down the principle in the case of Sub-Divi. Inspector of Post, Vaikam V/s. Thaiyam Joseph & Athors that, the I.D. Act is not applicable to the workman working under the stop gape arrangement. Therefore the present Reference is liable to be rejected.

4. The Second Party concerned workman has produced an application to order to the First Party to produce the documentary evidences asked in purses Ex. 9. The Second Party concerned workman has produced their documentary evidences vide Ex. 10, and the said documents have been exhibited 26 to 31. The Second Party concerned workman has produced a school leaving certificate of the Second Party vides Ex. 25. The concerned workman was examined vide Ex. 24 and was cross-examined by the First Party. The Second Party workman has produced his closing purses vide Ex. 32.

5. The First Party has submitted their affidavit of one Mr. Vaghela Vithalbhai Ladhubhai, vide Ex. 34 and was cross-examined by the Second Party concerned workman. The First Party has produced its documentary evidences vide Ex. 15. The Ex. 15 is contended, and showing with the working days of the concerned workman during the years : 1986, 1987, 1988, 1989, 1990 and 1991. The First Party has produced its closing purses vide Ex. 41.

6. The Second Party concerned workman has produced their written argument vide Ex. 42 while, the First Party has produced their written argument vide Ex. 44. Both

the written arguments made by the parties have been taken into the consideration.

7. After taking into consideration the written arguments of the both the parties, looking to the documentary evidences, examination in chives, produced in the present reference case, this Tribunal has to decide that, Whether the action of the management of Senior Supdt. of Post Offices, Bhavnagar in terminating Shri Bharatkumar Jethala Astik, is justified and legal ? If not to what relief the workman is entitled to ?

8. Looking into the present Reference case, learned advocate Mr. Pradeep Thakkar, for the Second Party concerned workman has argued in his written argument that, the Second Party concerned workman was engaged on the post of Postman by the First Party during the year 1986 to 1-1-1991, and was paid Rs. 40 daily, as remuneration. There was an Employee-Employer relation was between both the parties. The concerned workman has produced his examination in chief vide Ex. 24, and in the said examination in chief the concerned workman has stated that during the different years he had worked more than 240 days. And against this evidence, the First Party has not submitted any documentary evidences.

9. The representative of the Second Party concerned workman submits in his written argument that, the concerned workman was retrenched from his services from 1-1-1991 by an oral order. Thus, the Second Party concerned workman has completed more then 240 days during the every calendar year i.e. between 1986 to 1991. From the 1-1-1991 the Second Party concerned workman was retrenched from his services by an oral order. Therefore it can be guess that the Second Party concerned workman has worked more than 240 days, in the First Party during the preceding year 1991, by the Second Party concerned workman.

10. In his argument the Second Party concerned workman has argued that, the witness of the First Party Mr. Vaghela Vithalbhai Ladhubhai vide Ex. 34, has confessed in his oral evidence that, he doesn't know how the Second Party concerned workman was appointed. Looking to the cross-examination of the witness of the First Party there is a clear breach of the Ss. 25-F, G & H of the I.D. Act, 1947. The Second Party concerned workman has cited the decisions given by the Apex Courts as under :

1. A.I.R.-1996, S.C. page-2526.
2. G.L.H. (1)2005, Guj. High Court, page 340.
3. G.L.H. (1)2010, Guj. High Court, page 214.

11. While the First Party has presented their written argument vide Ex. 42. Looking to the said argument of the First Party has stated that, the Second Party concerned workman has not produced documentary evidence to prove his statement in the present case. The Second Party concerned workman has not proved his presence in the

First Party during the period he has stated. The cases cited by the Second Party concerned workman are not connected with the Second Party concerned workman and are not supported decisions. The oral evidence of the Second Party concerned workman can not be considered in the present reference case. The records presented by the First Party are more reliable than the Second Party concerned workman, because the said produced records are Government records. The principles laid down by the Hon'ble Supreme Court of India, if a candidate would be selected for the office of the State Govt. or Central Govt., the due process of the law should be followed. In the present reference case the due process of the law for the recruitment is not followed by the Second Party concerned workman and hence the present reference is liable to be rejected. The First Party has cited the judgment delivered by Hon'ble Supreme Court of India in 2006, (4), S.C.C. page. 01, The Secretary of the State of Karnataka V/s. Uma Devi.

12. Looking to the arguments of the both the parties and records produced by the both the parties, and oral evidences, it is very clear in this case that, the Second Party concerned workman was appointed as a 'Postman' in the First Party since August, 1986 and was paid Rs. 40 daily as remuneration. In his statement of claim concerned Second Party workman has declared that, he was retrenched from his services from 1-1-1991. Looking to the written evidence presented by the First Party, vide Ex. 15, of the Second Party concerned workman had worked with the First Party during the preceeding year of his retrenchment only for 238 days. If we take into the consideration the date of retrenchment stated in his written statement i.e. from 1-1-1991, in the previous year of 1991 the concerned workman has worked in the First Party only for 238 days. Though, the concerned workman has not proved his presence more than 240 days in the any preceding year during he had worked during the year 1986 to 1991. In his cross examination taken vide Ex. 24, the concerned workman has confessed that, any written examination was not taken by the First Party. Thus, looking to the cross examination of the concerned workman it is very clear that, the concerned workman has not been appointed after completing the due process of the law. In the present reference case the learned advocate for the Second Party concerned workman has cited the decision given by the Hon'ble High Court of Gujarat in the case of the State of Gujarat and Anr. V/s. Katuben Tapubhai, 2010, (2), G.L.H. 214. The present cited case is about the shifting of the burden of proof. While in the present case, there is no question raised by any party about the shifting of the burden of proof. Hence, the principles laid down in the aforesaid case, this Tribunal gives the great honour, but the said principles are not helpful to the case of Second Party concerned workman.

13. In the present reference case the learned advocate for the Second Party concerned workman has cited the another decision given by the Hon'ble Supreme Court of

India, in the case of the Central Bank of India V/s. S. Satyam, 1996, A.I.R. S.C.W. 3138. The present cited case is about the retrenched workman covered by Section 25-F or not. While in the present case, there is no question raised by any party about the applicability of the Section 25-F. Hence, the principles laid down in the aforesaid case, this Tribunal gives the great honour, but the said principles are not helpful to the case of the Second Party concerned workman. Further, in addition the Second Party concerned workman has cited some more cases as under :

1. 2010, (2), G.L.H. 214,
2. AIR 1996, S.C. 2526,
3. 2005, (1), G.L.H. 340,
4. 2008, (1), G.L.H. 286,
5. 2008, (1), G.L.H. 298,
6. 2005, (3), G.L.H. 291.

14. All the above cases cited by the Second Party concerned workman, taken into the consideration, but, the principles laid down by the aforesaid apex courts are most probably about the shifting of the burden of proof and about the applicability of the Ss. 25-F, G & H. Hence the the principles laid down by the apex courts in the aforesaid judgments are not helpful to the case of the concerned workman.

15. In this Reference case, the Advocate of the First Party has cited a judgment delivered by Hon'ble Supreme Court of India in 2006, (4), S.C.C. page. 01. The Secretary of the State of Karnataka V/s. Uma Devi. Looking into the judgment delivered by the Hon'ble Supreme Court of India, if a workman is appointed on irregular bases the workman has neither the right to reinstate nor to be a regular workman. In the aforesaid judgment the Hon'ble Supreme Court of India has cited on para-34 as under :

"If it is a contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage-worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the court to prevent regular recruitment at the instance of temporary employees whose period of employment has come to an end or of ad hoc employees who by the very nature of their appointment, do not acquire any right."

16. Further, the First Party has raised a topic, that the Second Party concerned workman has made this reference after such a long time, i.e. after 10 years. Looking to the judgment delivered by the Hon'ble Supreme Court of India, 2006, III, LLJ, Manager (Now Regional Director) R.B.I. V/s. Gopinath Sharma and Another, the Hon'ble Supreme Court of India has observed as under :

"Respondent, wait-listed for daily wage casual employment in appellant-Reserve Bank of India, and allowed to work for 58 days in 1975-1976 raised a dispute over his exclusion from such list in 1976, after a period of 13 years and a reference was made to the Industrial Tribunal.

Held: The Supreme Court observed that the respondent had worked only for 58 days. The reference for adjudication was made nearly 13 years after the respondent discharge in 1976. A dispute which was stale could not be subject matter of the reference."

17. Not only that, but also in other case delivered by Hon'ble Supreme Court of India, in the case of Asstt. Engineer, CAD, Kota V/s. Dhan Kumwar, the Hon'ble Court has observed as under :

"The Supreme Court observed the dispute was raised by the respondent about eight years after the termination of her service. It pointed out merely; because the Industrial Disputes Act, 1947 did not prove a limitation period for raising a disputes did not mean that the dispute could be render at any time."

18. Looking to the case on hand the concerned workman was retrenched from his services from 01-01-1991, while the present reference case has been raised on 02-02-1998. This shows that, the present reference is made after such a long time i.e. after delay of the 08 years, and has not given proper explanation for said delay. Therefore this Tribunal also can not give any permission to raise his reference case at any time to the concerned workman. Not only that, but also the concerned workman has not proved that he has worked under the First Party institution during the preceeding year more then 240 days. Looking to the documentary evidences produced by the First Party vide Ex. 15, it is very clear that, the concerned workman has worked until 01-01-1991. Thus, this reference is liable to be rejected. Therefore, this Tribunal passes the following order :

ORDER

1. The Reference made by Shri Bharatbhai Jethalal Astik is rejected accordingly.

2. There is no order as to cost.
Bhavnagar.

Dated : 29-9-2010

S. S. PANCHAL, Industrial Tribunal,

नई दिल्ली, 19 अक्टूबर, 2010

का.आ. 2841.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 38/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-10-2010 को प्राप्त हुआ था।

[सं. एल-22013/1/2010-आईआर(सी.-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 19th October, 2010

S.O. 2841.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 38/2005) of the Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 19-10-2010.

[No. I-22013/1/2010-IR (C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur,
Presiding Officer

Dated the 23rd day of July, 2010

MP.No. 38/2005

Between :

The Area Secretary,
(Sri Bandari Satyanarayana)
Singareni Collieries Employees Union,
(CITU), Mandamarri. ...Petitioner/Union

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Division,
Mandamarri-504231. ...Respondent

APPEARANCES:

For the Petitioner : M/s. A.K. Jayaprakash Rao, K.
Srinivas Rao, P. Sudha, T. Bal Reddy,
M. Govind. & K. Ajay Kumar,
Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma and
Vijayalaxmi Panguluri, Advocates

ORDER

This petition has been filed by Sri Md. Shereef, ex-employee of M/s. Singareni Collieries Company Ltd., under Sec. 33C(2) of the Industrial Disputes Act, 1947 for computing his wages for the period 1-3-2005 to 30-6-2005.

2. He submits that he has joined the services of the Respondent company in the year 1988 as badli filler and Respondent has been utilizing his services as General Mazdoor Category 1 from the year 1993 but he was not regularized though his juniors were regularized. Petitioner submits that this court has already passed order in M.P. No. 1/2004 in I.D.No. 98/2004 dated 4-2-2005 directing the Respondent to pay the due amount from 1-3-2005 or earlier till I.D. No. 98/2004 disposed off. Till date nothing was paid to Petitioner by the Respondent. Therefore, Petitioner prays this court to compute the wages due to him by the Respondent for the period from 1-3-2005 to 30-6-2005 with 18% interest.

3. Counter statement has been filed by the Respondent stating therein that Petition under Sec.33C(2) is not maintainable as nothing is due as contemplated under Sec.33C(2). It is submitted that Petitioner workman has joined the services of the company in 1988 as per orders and further he was promoted as coal filler. Management has filed W.P. 1802/2005 against the order of this court in M.P.No. 1/2004 dated 4-2-2005 which is still pending. The employee concerned has not worked at all during the relevant period and as such he is not entitled for any wages as per the settled law 'no work no pay'. Hence, petition be dismissed.

4. Petitioner filed his affidavit and was cross examined by the Respondent. he marked documents Ex.W1 to W9 with consent. Respondent has filed affidavit of Sri P. Venakateswarlu, Dy. Personnel Manager and the case is being fixed for cross examination of MW1.

5. It was informed on 17-2-2009 by the Learned Counsel for the Petitioner that Petitioner workman Sri Md. Shreef is dead and filed memo for bringing LR's on record. On 23-7-2010, non appeared from the side of Petitioner workman neither counsel for Petitioner nor LR's. No LR's petition was filed as such, the case deserves to be dismissed in absence of Petitioner workman or his LR's. In absence of Petitioner or LR's petition the case is dismissed.

Ordered accordingly.

Dictated to the Personal Assistant, transcribed by her corrected and pronounced by me on this the 23rd day of 2010.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner:	Witnesses examined for the Respondents:
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WW1: Sri Md. Shereef	MW1 : Sri P. Venkateswarlu
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Documents marked for the Petitioner

Ex.W1 :	Pay slip
Ex.W2 :	Copy or order in M.P. 1/2004 dated 4-2-2005
Ex.W3 :	Copy of representation of workman dt. 22-4-2005
Ex.W4 :	Acknowledgement of ANL parcel service No. 36211336
Ex.W5 :	Copy of representation of WW1 dt. 23-4-2005
Ex.W6 :	Acknowledgement of ANL parcel service No. 36210903
Ex.W7 :	Copy of representation of WW1 dt. 7-2-2005
Ex.W8 :	Copy of representation of WW1 dt. 3-12-2004
Ex.W9 :	Copy of representation of WW1 dt. 13-7-2005

Documents marked for the Respondent

NIL

नई दिल्ली, 19 अक्टूबर, 2010

का.आ. 2842.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 99/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-10-2010 को प्राप्त हुआ था।

[सं. एल-22013/1/2010-आईआर(सी.-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 19th October, 2010

S.O. 2842.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 99/2007) of the Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad as shown in the Annexure. in the Industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 19-10-2010.

[No. I-22013/1/2010-IR (C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD

Present : Shri Ved Prakash Gaur
 Presiding Officer

Dated the 30th day of August, 2010

Industrial Dispute L.C. No. 99/2007

Between :

Sri Dande Srinivas,
 S/o Rayamall,
 C/o Smt. A. Sarojana,
 Advocate, Flat No.G-7,
 Ground floor, Rajeshwari Gayatri Sadan,
 Opp. Badruka Junior College for Girls,
 Kachiguda, Hyderabad. ...Petitioner

AND

1. The Chief General Manager,
 M/s. Singareni Collieries Company Ltd.,
 RG-I Area, Godavarikhani.
2. The Colliery Manager,
 M/s. Singareni Collieries Company Ltd.,
 GDK-2A Incline, Godavarikhani,
 Karimnagar district. ...Respondent

Appearances :

For the Petitioner : M/s. A. Sarojana & K. Vasudeva
 Reddy, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijayalaxmi
 Panguluri, Advocates

AWARD

This petition under Sec. 2A(2) of the I.D. Act, 1947 was filed by Sri Dande Srinivas, ex. Employee of M/s. Singareni Collieries Company Ltd., in light of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others challenging dismissal order dated 11-11-2003 for reinstatement into services with all consequential benefits.

2. Petitioner filed claim petition stating therein that he was appointed as badli filler on 23-7-2000. That he was issued with a charge sheet dated 10-4-2002 alleging that he worked only for 39 musters during the year 2001 which amounts to misconduct under Standing Orders of the company. He submitted his explanation on 15-5-2002 explaining his inability to perform duties for not more than 39 days. Without considering his plea, enquiry was conducted with predetermined notion. That he was not given proper opportunity during enquiry, basing on the

lopsided enquiry, Enquiry Officer held charges against the Petitioner as proved, basing on the erroneous findings of the Enquiry Officer a show cause notice dated 28-5-2003 was issued to the Petitioner. Petitioner pleaded his inability to perform the duties for not more than 39 musters during 2001 during enquiry and he also pleaded that he will attend for duty without absence in future. He has submitted that without considering his submissions, he was dismissed from service w.e.f. 13-11-2003 vide office order dated 11-11-2003 which is illegal, arbitrary and violative of principles of natural justice. And he reiterated the same grounds from para 3(a) to 3(n) regarding the manner in which enquiry was conducted.

3. Petitioner submitted that he is the sole bread winner in his family, consisting of old aged parents, younger brother and unmarried sister and as a result of his dismissal from services his family is left without any livelihood and the punishment awarded is too harsh, excessive and disproportionate to the charges alleged. He prayed to set aside the order of dismissal and direct the Respondent to reinstate the Petitioner into service with back wages and all consequential benefits.

4. Respondent has filed counter statement. It is submitted that Petitioner was initially appointed as badli filler on 25-7-2000 and he worked at GDK No.2A Incline. He remained absent in 2001 without leave, sufficient cause and he had put in only 39 musters, as such, he was issued with a charge sheet dated 10-4-2002 under the company's Standing Orders No. 25.25 which reads as under :

"Habitual late attendance or habitual absence from duty without sufficient cause."

5. Charge sheet was received by him and acknowledged by him. Petitioner submitted his explanation dated 15-5-2002 which was found not satisfactory, as such enquiry was ordered and notice was sent to Petitioner's residence by registered post acknowledgement due but returned undelivered. 2nd notice dated 20-9-2002 was also sent by registered post acknowledgement due and acknowledged the same but did not attend enquiry on 1-10-2002. For 3rd enquiry notice he requested time. On 27-11-2002, Petitioner fully participated in the enquiry, the enquiry was conducted complying principles of natural justice. Petitioner was explained with the procedure of enquiry, he did not take assistance of any co-worker or office bearer and the proceedings were explained in Telugu language and after understanding the proceedings only the Petitioner affixed his signature. As per charge sheet he was absent except on the following days :

1. 3-6-2001 to 6-6-2001 sick with pay
2. 1-5-2001 paid holiday
3. 11-9-2001 worked
4. 26-9-2001 worked

6. It was submitted by the Petitioner in this explanation that he was absent due to ill-health and he submitted a certificate dated 18-5-2002 issued by Dr. B. Pulla Reddy, Kalyankhani, but he failed to produce any valid documentary evidence to substantiate his alleged sickness. Basing on verification of records and voluntary admission of Petitioner the charges against the Petitioner has been proved. Respondent issued show cause notice dated 28-5-2003 enclosing copy of enquiry proceeding and enquiry report by registered post with acknowledgement due. Petitioner was counselled in presence of his family members and trade union leaders and colleagues on 8-7-2003. Petitioner submitted an undertaking dated 8-7-2003 assuring that he will put in 20 musters regularly in future. It is submitted that Petitioner was kept under observation period from 9-7-2003 to 8-10-2003, but he had put in nil musters during observation period, as such, Respondent was constrained to dismiss him w.e.f 13-11-2003. His attendance from 2000 to 2003 is as follows:

2000	49 days
2001	39 days
2002	7 days
2003	Nil

7. It has been submitted that the Petitioner failed to produce valid documentary evidence to substantiate his statement of sickness. He would have availed medical facilities provided by the Respondent company. If any workman absents without prior notice it will hamper the work schedule of the Respondent company. It compels the Respondent to take severe action against the unauthorized absentees, as it was taken in the present case of the Petitioner. It has been submitted by Respondent that the case laws reported in State of U.P. and others Vs. Ashok Kumar Singh and another 1996(1)SCC 302 and in Ashappa's case are relevant to the present case. Petition and claim stated: it deserves to be dismissed.

8. Both parties were directed to file their respective evidence. Petitioner filed copy of enquiry report, enquiry proceeding and dismissal order. Respondent filed documents of enquiry proceeding, i.e. charge sheet, enquiry proceeding record, sick certificate from Janata clinic, enquiry report, show cause notice, undertaking of Petitioner.

9. Petitioner's counsel filed memo conceding validity and legality of the domestic enquiry held by Respondent on 30-1-2009, hence the domestic enquiry was held valid and arguments were heard under Sec. 11 A of the Industrial Disputes Act, 1947 of both parties counsels.

10. It has been argued by the Learned Counsel for the Petitioner that Petitioner was absent due to his ill-health and he produced sick certificate from Janata clinic issued by Dr. B. Pulla Reddy. However, he could not produce any

other documentary evidence in support of his sickness. He presented himself before the Enquiry Officer and stated before him that he was sick that was the reason that he could not attend to his duties. The Enquiry Officer has not considered this material aspect of the case nor has applied his mind to the fact of the case and the documents produced by the Petitioner workman during course of enquiry nor he gave any finding regarding the sickness of the workman. thus, the finding of the Enquiry Officer is perverse and the punishment based on such perverse finding is also illegal and invalid and deserves to be quashed.

11. In view of the arguments, this tribunal has to see,

(I) Whether the action taken against the Petitioner dismissing him from the services of the Respondent company is legal and justified ?

(II) If not, to what relief the Petitioner is entitled to ?

12. Point No.(I): I have considered this material aspect of the argument of the Learned Counsel for the workman and have gone through the enquiry report. At page No. 2 of his report the Enquiry Officer has given cogent reasons for not believing to the statement of the workman that he was sick or that he was under treatment of Janata clinic. The reason given by the Enquiry Officer was that though the workman has produced sick certificate for a period from 4-1-2001 to 18-5-2001 that he was taking treatment in private hospital, however, there is hospital in Kalyankhani from where the Petitioner could have treatment but workman has taken private treatment and did not report to the company's hospital. Moreover the workman has attended to duties on 28-30 of January, 7th, 13th, 15th, 26th, of February, 1st, 7th, 21st, 23rd of March, 4th and 18th of April, in the year 2001, this shows that the workman was not under continuous treatment of the Janata Hospital. The reason given by the Enquiry Officer is very cogent and based on evidence, as such, it can not be said that the Enquiry Officer has not considered the evidence of the Petitioner workman nor has applied his mind to the fact of sickness and evidence given regarding the sickness of the Petitioner workman. Though the Petitioner workman has produced sick certificate of Dr. B. Pulla Reddy, who has mentioned in alleged sick certificate that the Petitioner was under his treatment since 4-1-2001, however in between 1-1-2001 to 18-5-2002, the workman attended for duties on the dates mentioned in the report of the Enquiry Officer. This proved that Petitioner workman was not under continuous treatment of Dr. B. Pulla Reddy and the sick certificate produced by the Petitioner workman was a concocted document and Enquiry Officer has given cogent finding regarding not believing the statement and contention of the workman about his sickness. No other material point has been raised by Learned Counsel for the Petitioner. From the evidence on record it is proved that Petitioner workman has remained absent from January, 2001

to December, 2001, he put in only 39 musters during this entire period, as such, the finding arrived at by the Enquiry Officer that Petitioner workman was habitual absentee without any reason, is based on cogent evidence. This tribunal is also of the opinion that there is no ground to interfere with the finding of the Enquiry Officer and action taken by Respondent against workman is fully justifiable based on finding of Enquiry Officer. Point No.(I) is decided accordingly.

13. Point No.(II): Learned Counsel for the Petitioner has argued that the punishment in the present case is disproportionate to the misconduct committed by the concerned workman. He should have been imposed with a lesser punishment mentioned in para 26(a) to (f) of the Standing Orders. Against this argument of the Learned Counsel for the Petitioner workman, the Learned Counsel for the Respondent has argued that Petitioner has not only remained absent during the period 2001 itself, but he remained absent in 2000 and later in the year 2002 and 2003 also. Though he was charge sheeted for the year 2001 but the office record shows that workman attended only 49 musters during 2000, only 7 musters in 2002 and Nil musters in the year 2003. Thus, the management has no other option but to dismiss the services of the Petitioner who is a unwilling and careless worker. I have considered this argument. This point has been raised by the management through para 7 of the counter statement. Management has clearly stated that Petitioner workman attended for only 49 musters in 2000, 7 musters in 2002 and Nil musters in 2003 which goes to show that Petitioner workman was not only absent during the year 2001 itself but his conduct in 2000, 2002 and 2003 also was not very fair. He appears to be a careless and negligent workman as such, the punishment imposed upon him can not be said to be disproportionate or shocking to the conscience of a judicious man, I have considered this argument. It is worth mentioning that Petitioner has not denied the contention raised in para 7 of counter statement. More over, he put in only 39 musters during entire period of 2001. His absence was without any reason as such, the punishment imposed upon workman is neither excessive nor disproportionate. Petitioner is not entitled to any relief. Point No. II is decided accordingly.

14. From the above discussion, this court is of the opinion that petition deserves to be dismissed and it is dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 30th day of August, 2010.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

NIL

Witnesses examined
for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 19 अक्टूबर, 2010

का.आ. 2843.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 98/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-10-2010 को प्राप्त हुआ था।

[सं. एल-22013/1/2010-आई आर(सी-11)]

डी.एस.एस.श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 19th October, 2010

S.O. 2843.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.98/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 19-10-2010.

[No. L-22013/1/2010-IR (C-11)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 23rd day of July, 2010

INDUSTRIAL DISPUTE No. 98/2004

BETWEEN:

The Area Secretary,
(Sri Bandari Satyanarayana)
Singareni Collieries Employees Union,
(CITU), Mandamarri.Petitioner Union

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Division,
Mandamarri- 504231.Respondent

APPEARANCES:

For the Petitioner : M/s. A.K. Jayaprakash Rao, K. Srinivas Rao, P. Sudha, T. Bal Reddy, M. Govind & K. Ajay Kumar, Advocates For the Respondent: M/s. P.A.V.V.S. Sanna and Vijayalaxmi Panguluri, Advocates.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012/321/2003-IR(CM-II) dated 30-6-2004 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Division in not regularizing the services of Sh. Md. Shareef, Coal Filler in the post of General Mazdoor Cat. I working continuously since 8 years is legal and justified? If not, to what relief the workman is entitled?"

The reference is numbered in this Tribunal as I. D. No. 98/2004 and notices were issued to the parties.

2. Petitioner representative has filed his claim statement stating therein that the workman Sri. Md. Shareef has joined the services of the Respondent company in 1988 as badli filler and made permanent and his services were utilized as General Mazdoor Category-I from 1993 but till date his services were not regularized as General Mazdoor Category-I. His juniors were regularized in that capacity. It is prayed this court to direct the Respondent for regularization of the services of Sri Md. Shareef as General Mazdoor Category-I.

3. Respondent has filed counter statement. It is submitted that Petitioner workman has joined the services of the company on 4-3-89 as per orders and further he was promoted as coal filler. Coal filler post is equivalent to Category-V where as General Mazdoor's post is in Category-I which is less than that of coal filler which is equivalent to Category-V. It is settled proposition of law that mere acting in particular post does not confer any right to be absorbed in that particular post. Hence, no interference is required by this court, petition be dismissed.

4. Petitioner Union filed chief examination affidavit of Sri Bandari Lingaiah in support of the claim and marked documents Ex. W1 to W5 and he was cross examined by the Respondent. Petitioner union has examined Sri Md. Shareef as WW 2 in his defence who has marked documents Ex. W6 to W13 and cross examined by the Respondent.

5. Respondent has filed chief examination affidavit of Sri P. Venkateswarlu, Dy. Personnel Manager of the Respondent company.

6. It was informed on 3-3-2009 by the Learned Counsel for the Petitioner union that Petitioner workman Sri Md. Shareef is dead and requested time for moving substitution application. On 23-7-2010, none appeared from the side of Petitioner workman neither counsel for Petitioner nor LRs. Case is dismissed in absence of Petitioner workman or LRs. In view of the circumstances, a 'Nil Award' is passed in

absence of Petitioner/LRs.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, personal Assistant transcribed by her corrected and pronounced by me on this the 23rd day of July, 2010.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW1: Sri Bandari Lingaiah
WW2: Sri Md. Shareef

Witnesses examined for the Respondent

MW1: Sri P. Venkateswarlu

Documents marked for the Petitioner

- Ex. W1: Copy of pay slip
- Ex. W2: Copy of pay slip
- Ex. W3: Copy of representation of workman
- Ex. W4: Copy of order in WP No. 6803/99
- Ex. W5: Copy of minutes of conciliation proceedings
- Ex. W6: Copy of office order No. SMG/AGT/2/93/407 dtd. 16-8-93.
- Ex. W7: Copy of office order No. P/MM/4/5/96/1280 dtd. 26-6-96.
- Ex. W8: Copy of office order No. SMG/AGT/2/96/221 dtd. 29-6-96.
- Ex. W9: Copy of office order No. P/JPA/261-S/8-APPI/5606 dtd. 30-9-89.
- Ex. W10: Copy of office order No. MMR/PER/P/033/5725 dtd. 31-10-2005.
- Ex. W11: Copy of office order No. MMR/PER/P/033/5715 dtd. 31-10-05.
- Ex. W12: Copy of office order No. MMR/PER/P/033/5716 dtd. 31-10-05.
- Ex. W13: Copy of office order No. MMR/PER/P/033/4911 dtd. 27-8-05.

Documents marked for the Respondent

NIL.

नई दिल्ली, 19 अक्टूबर, 2010

का.आ. 2844.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एफ. सी. आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकार नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 266/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-10-2010 को प्राप्त हुआ था।

[सं. एल-22012/500/1999-आई आर(सीएम-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 19th October, 2010

S.O. 2844.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.266/2000) of the Central Government Industrial Tribunal-cum-Labour Court-No.1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 19-10-2010.

[No. L-22012/500/1999-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.**

Case I. D. No.-266/2000

The President Food Corporation of India Ancillary Labour Union, Basti Sunwa Wali, Ward No.2, Nai Abadi, Ferozepur (Punjab).

...Applicant

Versus

FCI, Ferozepur, Distt. Manager, F.C.I. 151 Sant Lal Road, Ferozepur (Punjab), Ferozepur.

...Respondent

APPEARANCES

For the workman : Shri B.N. Sehgal

For the Management: Shri N.K. Zakhmi

AWARD

Passed on:- 13-10-10

The Government of India vide Notification No. L-22012/500/99-IR (CM-II), dated 13-07-2000 by exercising its powers under Section 10 of the Industrial Disputes Act, (the act in short) has referred the following industrial dispute for adjudication to this Tribunal:-

“Whether the action of the management of FCI in terminating the services of the workers (as in Annexure—A) without paying them any retrenchment compensation is legal and justified? If not, to what relief the workmen are entitled?”

After receiving the reference parties were informed. Parties appeared and filed their respective pleadings. The case of the workman in nut shell is that every workman whose name figure in the enclosed list to the statement of claim had worked as ancillary labour in the Food Corporation of India in different depots at Ferozepur city. Their services were illegally and arbitrarily terminated without notice or without payment of one month wages in

lieu of notice and without payment of retrenchment compensation on 26-03-1997.

They had worked in the premises of Food Corporation of India and their services were supervised by the Officers of the management of Food Corporation of India. They were paid wages directly by the management of Food Corporation of India. For some period their wages were not paid and the case relating to the recovery of wages was filed in Ferozepur Civil Court which was decreed. Juniors to them were retained in the services. The above act of the management retaining juniors in service and terminating the services of each workman by the management of Food Corporation of India without notice or payment of one month wages in lieu of notice and without payment of retrenchment compensation is illegal and void being against the provisions of the Act. Every workman has prayed for an order for reinstatement the services with all the consequential benefits.

The management appeared and opposed the claim petition by filing written statement. Preliminary objections were raised by the management that reference is bad in law because there is no union recognized by the FCI titled as Ancillary Labour Union. All the workman themselves have claimed to constitute the fictitious union having no recognition. Thus, the industrial dispute was raised without any authority.

The second preliminary objections raised by the management is that there had been no master and servant relationship between the workman and management of Food Corporation of India. In the year 1996, 124 ancillary labourers were to be inducted on the receipt of their complete bio-data and medical fitness certificate which were received and considered by TMC. The names of any of the workman did not find figure in the list of 124 ancillary labourers. The reason was that prior to the preparation of the list none of the workman was working with F.C.I. Ferozepur Depot in any capacity. There is no record regarding the payment of wages to any of the workman by the management of FCI and they were not at all under the administrative control of the FCI. On the basis of the above facts the management has prayer for dismissal of the claim of every workman.

Both of the parties were afforded the opportunity for adducing evidence. Every workman filed his affidavit and he was cross-examined in detail by learned counsel for the management. The Area Manager, Ferozepur Shri Sandeep Shingal filed his affidavit on behalf of the management of FCI and he was cross-examined by learned counsel for the workman. On direction of the Tribunal relevant record was also placed before the Tribunal relating to the ancillary labourers, 124 in number, the set of documents is on record.

I have heard the parties at length and perused the entire materials on record.

The first objection raised by the management of FCI is that demand notice was not given and a dispute was not

raised by the competent union, hence, the industrial dispute is not maintainable. It is the settled law of service jurisprudence that even after the dispute is not raised by legally recognized union it is not bad and fettle and it is binding on the Tribunal to adjudicate the reference. On perusal of the evidence, it is evidently clear that all the workman in question formed the union for the purpose to file this case. Forming union and association is fundamental right of every human being protected under Article 19 of the Constitution and under the provisions of the Directive Principles of the state policy. If the union formed by the workman was not recognized by the FCI, it makes no difference for raising the industrial dispute. As stated earlier, even if the dispute is raised by any workman in individual capacity the Tribunal is bound to adjudicate that. The approach of the Tribunal should not be technical because law and judicial conscious can not be presumed to be static. Accordingly, I am of the view that there is no force in the contention of the management that industrial dispute was/is bad as not raised by the competent union.

The next objection raised by the management is regarding the employer and employee relationship. The fate of the reference also depends on this issue. The management has categorically denied any master servant relationship. It is contended by the management that in the year 1996, 124, ancillary labourers were appointed by the department of FCI in Ferozepur depots as per the norms and on the basis of recommendations by TMC (Three Member Committee) was constituted in compliance of the directions given by Ishwari Parshad Committee. The list prepared on recommendation by TMC does not figure the name of any of the workman. On the basis of this document, it contended by the management that none of the workman has worked with FCI in Ferozepur depot in preceding three years from the date of preparation of the list.

Moreover, it is not the management to prove the above issue. The workman as per the law is bound to prove this fact and the oral contention cannot be considered to be sufficient. Some cogent evidence has to be filed by the workman to prove the above issue. The workman has filed the copy of judgment by prescribed authority decreeing their claim for the payment of their wages for certain period. The decree/ judgment passed by the prescribed authority under the Payment of Wages Act, has been set-aside in the appeal. The fate of set-aside the judgment shall be that it will be presume that no judgment was passed in favour of the workmen. Apart from this, there is no iota of evidence on record to prove that workman were engaged by the management of Food Corporation of India, they have worked with the management, they were paid wages by the management and they were under the administrative control of the management.

For adjudication of the preliminary objections, which is the main issues between the parties, the law laid down

by Hon'ble Apex Court is in GM.ONGC, Shilchar versus ONGC Contractual workers Union, 2008(LLR) 801, Supreme Court Case. In ONGC Shilcher's case (supra) Hon'ble the Apex Court has laid down certain criteria to establish the employer and employee relationship between the workman and the management of any enterprises. If the ratio of the judgment is applied in the instant case the workman have to prove the following facts:

- (1) That there existed a master and servant relationship between the workman and the management (workman was directly engaged by the management).
- (2) That the workman was under the administrative control of the management.
- (3) That there was no contractor in between the management and the workmen.
- (4) That the payment of wages was made good by the management to the workman directly and not by the contractor.
- (5) At the cost of the repetition the remittance rolls for the payment of wages were made by the management and not by the contractor.

Apart from the oral contention of each workman, there is no iota of evidence to prove any of the above mentioned conditions. Thus, the workman have failed to prove that they were engaged by the management of Food Corporation of India in any capacity, they were paid wages by the management of FCI and they were under the administrative control of the management of FCI. Thus, there is no force in the claim of any of the workmen. The industrial dispute is accordingly answered. Let Central Government be approached for publication of award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 2010

का.आ. 2845.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.बी.एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 183/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-10-2010 को प्राप्त हुआ था।

[सं. एल-23012/27/2002-आई आर(सीएम-11)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 19th October, 2010

S.O. 2845.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.183/2003) of the Central Government Industrial Tribunal-cum-Labour Court-No.1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 19-10-2010.

[No. L-23012/27/2002-IR (CM-II)]

D. S.S. SRINIVASARAO, Desk Officer

ANNEXURE**BEFORE SHRIGYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.****Case I.D. No.-183/2003**

Shri Sachin Kumar S/o Shri Lajja Ram, C/o Shri Tek Chand Sharma, 25, Sant Nagar, Civil Lines, Ludhiana.

...Applicant

Versus

The Chief Engineer/TS, BBMB, SLDC Complex, 66 K.V.S. Station, Chandigarh.

...Respondent

APPEARANCES

For the workman : Workman in person

For the Management: Shri N.K. Zakhmi

AWARD

Passed on:- 6-10-10

The Government of India vide Notification No.L-23012/27/2002-IR(CM-II), dated 29-10-2003 by exercising its powers under Section 10 of Industrial Disputes Act, (the act in short) has referred the following industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of BBMB in terminating the services of Shri Sachin Kumar is legal and justified? If not, to what relief the workman is entitled?"

After receiving the reference parties were informed. Parties appeared and filed their respective pleadings. The case of the workman in nut shell is that he was appointed as Air Conditioner mechanic on 23-06-1998 by the Director P & C, BBMB, Industrial Area, Chandigarh. He was appointed in the pay scale of Rs. 3260-110-3480-130-4000 - 150-4600-175-5300 with initial start of Rs. 3370+DA and other allowances applicable from time to time. Instead of giving regular appointment he was appointed for 89 days, and thereafter, his services were terminated. His services were terminated illegally as no enquiry was conducted against him. His services were terminated on account of taking no interest in performance of his duties and having no knowledge about the trade he was appointed.

The management appeared and contested the claim by filing written statement. It is contended by the management that workman was initially appointed for 89 days as per the rules on the post of AC mechanic. After his joining, it came to the notice of the management that he is not having even the elementary knowledge of the trade he was appointed. He was unable to repair 3 tones AC and was taken no interest in learning the work. For it, the workman was also informed to take interest in the work deputed to him. The inter se correspondence between the

officers of the department have also been made part of the record.

Both of the parties were afforded the opportunity for adducing evidence. Evidence was recorded. The witness of the management filed the affidavit but he did not turn up in the Court for cross-examination. Accordingly, evidence of the management was closed. It was ordered by this Tribunal that as the witness who filed the affidavit has not been subjected to the cross-examination, the affidavit filed by the witness shall not be considered. The documents filed by the management have been admitted by the workman during the cross-examination.

I have heard both of the parties at length. It is contention of the workman that he was lawfully appointed and the work was of continuous nature. Without conducting any enquiry he was terminated from the services illegally. On the other hand, learned counsel for the management has argued that workman was initially appointed for 89 days on contract. On completion of 89 days he has himself given the relieved report and he was accordingly relieved. The relieved report is the part of the record. Learned counsel for the management has further argued that workman was not having even fundamental knowledge of his trade, he was appointed. The documents proved that he was not taking any interest in learning the work. Moreover, he has not completed 240 days of work so his termination was not protected under the provisions of the Industrial Disputes Act.

On perusal of the materials on record, it is evidently clear that workman Shir Sachin Kumar was appointed as AC mechanic as he has diploma in concerned trade. The inter departmental correspondence proves it beyond doubt that during the period of 89 days it came to the notice of the management that workman was not having the elementary knowledge of the trade, he was appointed. It has also come to the notice of the management that he was not taking the work sincerely and was not taken in learning the work. The workman was also suggested vide letter dated 11-08-1998 to take the work sincerely and show his keen interest in learning the work. On completion of 89 days, Executive Engineer, under whom the workman was working has reported to the Director of the management not to consider the case of the workman for further extension.

It is the settled principle of service jurisprudence that a person lawfully appointed has right to continue in the service and his services even during the probation or contractual period cannot be terminated casually without conducting any enquiry, if any misconduct is alleged by the management. Meaning thereby, if the services of the workman are terminated on account of any misconduct, an enquiry is mandatory.

The question arises if the workman is not expert in the job he was appointed, whether his termination constitutes misconduct? In my view, it is the case of not having essential qualification and not of misconduct. The

workman was not having even elementary knowledge of the trade. He was appointed as such on the said post even of having essential qualifications. The workman was suggested by the management to improve his productivity by taking keen interest in the work but the workman failed. Accordingly, it was not the case of the misconduct but lacking in essential qualifications. The management was justified not to consider his case for further extension. As stated earlier, barring termination on the ground of misconduct, the services of any worker on probation or on contract cannot be terminated without assigning any reason. That was done by the management and in my view the action of the management for exercising its option not to consider the case of the workman for extension of the services was right. The industrial dispute is accordingly answered. Let Central Government be approached for publication of the award and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 2010

का.आ. 2846.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं इन्डियू.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 246/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-10-2010 को प्राप्त हुआ था।

[सं. एल-22012/259/1993-आई आर(सी-11)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 19th October, 2010

S.O. 2846.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.246/93) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 19-10-2010.

[No. L-22012/259/1993-IR (C-II)]

D. S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/246/93

Presiding Officer : Shri Mohd. Shakir Hasan

The Chief General Secretary,

M.P.K.K.M.P.(HMS),

PO Junnardeo,

Distt. Chhindwara (MP)

... Workman/Union

Versus

General manager,
WCL, Kanhan Area,
PO Dungaria,
Distt. Chhindwara (MP)

... Management

AWARD

Passed on 6th day of October, 2010

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/259/93-IR(C-II) dated 13-12-93 has referred the following dispute for adjudication by this tribunal:-

“Whether the action of the management of WCL, Kanhan Area, PO Dungaria, Distt. Chhindwara (MP) in dismissing Shri Daniel S/o Babulal, Ex-Peon of G. M. Office, Kanhan Area from services w.e.f. 14-6-91 is justified? If not, to what relief the workman is entitled to?”

2. The case of the workman/Union in short is that the workman Shri Daniel was peon of WCL, Kanhan Area since last 25 years. He met with road accident in 1989 and was fallen sick at Chhindwara and was admitted in the dispensary. He informed the management. He was chargesheeted vide order dated 24-11-90. He replied the chargesheet on 30-11-90. The departmental enquiry was fixed on different dates and he appeared in the enquiry. Lastly the departmental enquiry was held on 1-6-91 but he was not given opportunity to defend himself. The defence witness was not allowed nor medical certificate was taken into evidence. Even his letter of information of his sickness was not considered. Lastly he was dismissed on 14-6-91 of his minor misconduct on his absence on account of sickness. It is submitted that the order of dismissal be set aside and the workman be directed to reinstate on the post with back wages.

3. The management contested the reference by filing Written Statement in the case. The case of the management, inter alia, is that the workman was peon of WCL, Kanhan Area. He was habitual absentee without any justification without any information. He was admittedly chargesheeted on 24-11-90. It is stated that on 30-11-90 the workman submitted a letter that he was unable to submit reply. On his unsatisfactory reply the departmental proceeding was initiated and Shri P.G. Jahangirdar, Dy. Personnel Manager, Kanhan Area was appointed Enquiry Officer (in short E.O.) on 30-12-90. The workman participated in the enquiry and E.O. followed the principle of natural justice. The full opportunity was given to the workman to defend himself. After enquiry, the E.O. found him

guilty of charges and submitted his report. The Disciplinary authority after considering the enquiry report passed the order dated 14-6-91 of dismissal from service. It is stated that in case if the Tribunal comes to the conclusion that a departmental enquiry was not legal and proper, the management be given opportunity to prove misconduct in court. It is stated that earlier also on a couple of occasions he was chargesheeted for habitual absence but on his written apology, the Disciplinary Authority dropped the proceeding. The attendance particulars of the workman during the year 1989 to 1991 is as follows. In 1989-165 days, in 1990-79 days and in 1991-nil days were on attendance. It is submitted that the action of the management is justified and the workman is not entitled to any relief.

4. During the course of proceeding, the Union/workman absented. As such the then Tribunal proceeded ex parte against the workman/Union on 28-6-06.

5. The following issues are framed-

- (i) Whether the enquiry is just, proper and legal?
- (ii) Whether the management is entitled to lead evidence before this Tribunal?
- (iii) Whether the charges of misconduct are proved on the facts of the case?
- (iv) Whether the punishment awarded is proper and legal?
- (v) Relief and costs.

6. Issue No. 1-

All the issues are taken up finally because the proceeding is now ex parte against the workman/Union. On the pleadings of the parties, it is an admitted fact that the workman was chargesheeted and the workman had participated in the departmental proceeding. The only point raised that the workman was not given opportunity to defend himself. His witness was not allowed to be examined nor medical certificate nor his letter of information of sickness were considered. The departmental proceedings shows that three witnesses were examined and the workman and his co-worker declined to cross-examine the witnesses. The proceeding further shows that the workman had not adduced any evidence rather he had himself only examined in the departmental proceeding. He had admitted that he had not filed any medical certificate or sick certificate of Kanhan Area Hospital. The proceeding shows that full opportunity was given by the E.O. in the

departmental proceeding. I find and hold that the departmental enquiry conducted against the workman is valid and legal. This issue is accordingly answered.

7. Issue No. 2 & 3-

No fresh evidence is examined in the reference on the point of facts. The departmental proceeding shows that three witnesses were examined by the management. They had supported the management case that the workman was habitual absentee without any information. The management filed attendance particular of the workman which shows that in the year 1989-165 days, in 1990-79 days and in 1991 there was no attendance of the workman. The medical certificate or sick certificate of Kanhan Area Hospital was not filed. The management had also filed documents of past antecedent which shows that he was habitual absentee and he had made apology and thereafter he was allowed and previous proceeding was dropped. I find that the findings of the E.O. was not perverse and the misconduct of habitual absenteeism was proved. I find that there is no need to adduce evidence to prove misconduct in Court. Both issues are decided in favour of the management and against the workman.

8. Issue No. 4 & 5-

On the basis of discussion made above, it is clear that the misconduct is established in the departmental proceeding. I do not find any reason to interfere in the order of punishment. The action of the management appears to be justified. Accordingly the reference is answered.

9. In the result, the award is passed without any order to costs.

10. Let the copies of the award be sent to the Government of India Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 2010

का.आ. 2847.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बम्बई इन्टेलिजेन्स सिक्वोरटी इन्डिया लिमिटेड के प्रबंधन के संबंध में निदेशित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या 74/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-2010 को प्राप्त हुआ था।

[सं. एल-30011/67/2003-आई आर(एम)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 20th October, 2010

S.O. 2847.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 74/2003) of the

Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of **Bombay Intelligence Security (I) Ltd.** and their workman, which was received by the Central Government on 20-10-2010.

[No. L-30011/67/2003-IR (M)]

D. S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

A.A.LAD, Presiding Officer

Reference No. CGIT-2/74 of 2003

Employers in Relation to the Management of Bombay
Intelligence Security (I) Ltd.,

The Personnel Manager,
Bombay Intelligence Security (I) Ltd.,
9/3 A, Swamilia Shah Co-op. Hsg. Society Ltd,
Garden Lane, Beh. Ashreya Cinema,
Ghatkopar, Mumbai 400086 . . . First Party

V/s.

Their workman
The President,
Transport & Dock Workers Union,
P.D. Mellow Bhavan, Carnac Bunder,
Mumbai 400038 . . . Second Party

APPEARANCE:

For the Employer : Mr. S.C. Hegde, Advocate

For the Workman : Mr. A.M. Koyande, Advocate

Date of reserving the Award I : 27-07-2010

Date of passing the Award I : 05-08-2010

AWARD - PART I

The matrix of the facts as culled out from the proceedings are as under :

The Government of India, Ministry of Labour by its Order No.L-30011/67/2003-IR (M) dated 21 st October, 2003 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Contractor M/s. Bombay Intelligence Security (I) Ltd. in removing from service Sh. Janardhan Singh justified? If not to what relief the workman is entitled?

2. Statement of Claim is filed by the Secretary of the Union i.e. Secretary of the Transport & Dock Workers Union at Exhibit 9 stating and contending that, the concerned workman Shri Janardhan Singh joined services of the 1st Party with effect from 27-9-1991 as a Security Guard. According to Union 1st Party is engaged in the business of providing security services to its customers on the contract basis. It is contended by the Union that 1st Party provides security personnel e.g. Security Guards, armed

guards, supervisors etc. to its customers as per the requirements after entering into the contract. According to Union concerned workman was posted as Security Guard at ONGC's residential colony at Bandra Kurla Complex. It is stated that, on 18-10-1999 the concerned workman at about 3.20 hours was on duty. It is case of the Union that, though he was on duty and taking rest. Supervisor falsely informed that, the concerned workman was found sleeping on duty. It is contended that, accordingly charge sheet was served on the concerned workman and show cause notice which was replied by the concerned workman. It is contended that, the Inquiry Officer conducted the enquiry without following due process of law and without giving opportunity to the concerned workman and to represent him. According to Union the concerned workman who is almost illiterate participated in the enquiry. Even it is stated by the Union that, the Defence Representative who appeared for the concerned workman was not acquitted with the enquiry proceedings. It is contended that, the Enquiry Officer did not allow his Defence Representative to lead his defence and he did not consider the documents on record. Even it is alleged that, the concerned workman acknowledged the report dated 19-10-1999 where it was written, security guard found 'alter'. It is his contended that, it was then cancelled and introduced by word 'sleeping' which is fabricated just to harass the concerned workman. It is further alleged that, the enquiry officer did not appreciate the evidence on record and consider it while giving finding. It is contended that, the concerned workman is out of job from the date of his termination and is not in the employment. So it is prayed that, 1st Party be directed to reinstate him with benefits of back wages and continuity of service.

3. This is disputed by the 1st Party by filing written statement at Exhibit 11 stating and contending that, the enquiry was fair and proper. It is stated that, finding is not perverse. It is stated that, full opportunity was given to the concerned workman. It is stated that, concerned workman was found sleeping when officer of the 1st Party Mr. Anil Kumar Sharma visited the place of work of the concerned workman at 3.20 hours on 18-10-1999 when he was posted at residential colony at Bandra Kurla Complex. It is case of the 1st Party that, accordingly he submitted the report and action was taken by the management after issuing show cause notice and charge sheet. It is stated by the 1st Party that, enquiry was conducted by giving full opportunity to the concerned workman. It is contended that, Inquiry Officer is totally outsider and independent Enquiry Officer who conducted enquiry by giving full opportunity to the concerned workman and submitted his report with details by giving all the facts and evidence placed before him. It is contended that, after giving full opportunity to the concerned workman finding was given by the Enquiry office and opportunity was given to him. It is contended that, relying on that action of termination was taken which is just and proper and does not require any interference. It is stated that, in case of Security Guard if he found sleeping while on duty, it is a serious

'misconduct' which is committed by the concerned workman and for that he cannot be excused.

4. Rejoinder is filed by the 2nd Party at Exhibit 13 stating and contending that, on the basis of the fabricated report, the Enquiry officer prosecuted and action was taken on it which require to set aside.

5. In view of the above pleadings Issues were framed at Exhibit 16. Out of them Issues No. 1 and 2 are treated as preliminary Issues which I answered as follows:

ISSUES	FINDINGS
1. Whether enquiry was fair and proper?	Yes
2. Is finding perverse?	No

REASONS:

ISSUE No. 1 & 2

6. Case of the Union is that, the concerned workman Janardhan Singh was falsely implicated on fabricated report of the officer of the 1st Party Shri Anil Kumar Sharma who alleges that, the concerned workman was found sleeping on duty on 18-10-1999 at 3.20 hours when he took routine round at the residential colony of ONGC at Bandra-Kurla Complex. According to Union, the concerned workman was taking rest and false report was submitted by the officer of the 1st Party, Shri Anil Kumar Sharma. Besides it is alleged that, the enquiry was not fair and proper and finding was perverse. It is also alleged that, no opportunity given to the concerned workman. All this is denied by the 1st Party.

7. To support that 2nd Party Union filed affidavit of 2nd Party at Exhibit 24, in lieu of his examination-in-chief, where he is silent about the enquiry and perversity of the finding. He went on describing the steps taken by the officer of the 1st Party, reply given by him and the finding given by the Enquiry officer. It is to be noted that, he did not state anywhere how enquiry is not fair and proper and how finding is perverse. On the contrary in the cross he admit that, he was served with the charge sheet which he replied. He states that, he attended enquiry on all dates. He admit that, enquiry was conducted in Hindi and proceeding was also written in Hindi. He states that, he was signing every day's proceedings. He states that, A.K. Pandey was witness of the Management was cross examined by his representative. He volunteers that, no proper recording was done by the Enquiry Officer. On that he states that, he did not complained in writing about proceedings properly not written by the Enquiry Officer. He admit that, he is aware of the finding given by the Enquiry officer and admit that copy of it was served on him. He states that, he replied the findings. He states that, no written complaint was made by him alleging that, opportunity was not given to him to lead evidence. On that, he closed evidence by filing closing purshis at Exhibit 25.

8. Then matter was adjourned for recording evidence of Management. Number of dates were given, lastly Management failed to lead evidence. On that it is treated that, evidence was closed by Management and the reference was fixed for arguments. Even written argument

is submitted by the workman at Exhibit 30, through his Advocate. No written argument is submitted by the 1st Party.

9. Here copy of enquiry proceedings is filed by the 1st party with Exhibit 17. It is in the original form. Said reveals that, Enquiry Officer recorded proceedings in Hindi and all these proceedings reveal that, it is signed by the concerned workman, his Defence Representative, Management and Enquiry Officer. It reveals that, number of dates are given. It reveals that, enquiry was conducted and the proceedings were recorded in question and answer form. Even it reveals that, in the enquiry concerned workman was examined by the Management representative. Even Enquiry Officer gave his finding and copy of the decision at page 28 to 34 of Exhibit 17.

10. After going through the report of the Enquiry Officer and the proceedings produced with Exhibit 17 at pages 1 to 26, I find, enquiry is fair and proper and finding not perverse. Even is not shown by the 2nd Party how it is not fair and proper and finding not perverse. On the contrary Enquiry Officer considered the evidence before him. It reveals that, he scrutinized evidence as well as witnesses evidence. It also reveals that, he also considered the case made out by both and gave finding. It is not proved by the 2nd Party that, how the report submitted by Mr. Ajit Kumar Sharma is fabricated? No any light is thrown on case made out of deletion of word 'alert' and adding the word 'sleeping' with it.

11. It is to be noted that, the concerned workman was Security Guard and it is to be noted that, the allegation is that, he was found "sleeping". Witness examined the statements that, he was sleeping.

12. The stand taken by the 2nd Party that, other persons who were also found with him, are kept in the employment of the 1st Party but this person is only removed. I think that is not the ground to consider the case of the concerned workman in that spirit since some sympathy might have been shown to Shrivastava other person which cannot be a parameter to consider his case. We do not know in what circumstances sympathy might have shown, if shown to Shrivastava? No evidence is led by concerned workman on the said point to show biasness of the 1st Party in retaining said Shreewastava and removing him.

13. If we consider all this, coupled with the case made out by both I am of the view that, enquiry is fair and proper. I also conclude that, finding is not perverse as alleged by the Union. So I answer above Issues to that effect, and passes the following order:

ORDER

- Enquiry is fair and proper;
- finding not perverse;
- both to appear on the point of quantum of punishment on the date given.

Mumbai,
5th August, 2010

A. A. LAD, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 2010

का.आ. 2848.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक्टर पी. आर. हेडे माईन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-2, मुम्बई के पंचाट (संदर्भ संख्या 21/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-2010 को प्राप्त हुआ था।

[सं. एल-29011/18/2009-आई आर(एम)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 20th October, 2010

S.O. 2848.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2010) of the Central Government Industrial Tribunal-2, Mumbai now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. Dr. P. R. Hede Mines and their workman, which was received by the Central Government on 20-10-2010.

[No. L-29011/18/2009-IR (M)]

D. S.S. SRINIVASA RAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI**

Present : A. A. Lad, Presiding Officer

Reference No. CGIT-2/21 of 2010

Employers in Relation to the Management of
M/s. D. P.R. Hede Mines

M/s. Dr. P.R. Hede Mines

Dr. Malhotra House,

P.B. No. 187, Panaji,

Goa-403 001.

...First Party

V/s.

Their Workmen

The General Secretary,

Goa Mine Workers Union,

Dr. Mukkund Building, 2nd Floor,

Vasco-da-Gama,

Goa-403 802

...Second Party

APPEARANCE :

For the Employer : Mr. K. V. Nadkarani, Representative

For the Workmen : S/Shri Thalmann Pradeep Pereira,
Laxmikant Shankar Salkar,
Nand Kisohre Dubey, Advocates.

Date of passing the Award : 07-07-2010

AWARD

1. The Government of India, Ministry of Labour by its Order No.L-29011/18/2009-IR(M) dated 16th February, 2010 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of M/s. P.R. Hede Mines, Collem, Goa, in serving retrenchment Notice to all the workmen dated 6-5-2009 is legal and just. What relief the workmen concerned are entitled to and from which date?"

2. Claim Statement is filed by the 2nd Party at Exhibit 6 and written statement by 1st Party at Exhibit 7.

3. Actually in Claim Statement the concerned workman referred to a Settlement dated 28-10-2009 and pray to pass an Award accordingly. Same stand is taken by 1st Party in the reply filed at Exhibit 7 stating that Reference be answered in view of the Settlement dated 28-10-2009. Hence, the order:

ORDER

Reference is disposed off in terms of Settlement dated 28-10-2009 with no order as to its costs.

Mumbai, 7th July, 2010.

A.A. LAD, Presiding Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2 AT MUMBAI.**

Reference No. CGIT - 2/21/ 2010

BETWEEN

Employers in relation to the Management of
M/s. P.R. Hede Mines

AND

Their Workmen

May it Please Yours Honour Application for Passing Award in Terms of Settlement

1. The Employers in relation to the Management of M/s. P.R. Hede Mines crave leave of the Hon'ble Tribunal to submit the following for consideration and an appropriate. Award in terms of the Settlement dated 28th October, 2009 arrived at under Section 12(3) read with Section 18(3) of the Industrial Dispute Act, 1947 before the Asstt. Labour Commissioner (Central), Vasco - Da-Gama, Goa, between the Management of M/s. P.R. Hede Mines and their workmen represented by Local Works Committee members, Collem Mines in the matter of Notice of Retrenchment dated 06-05-2009 issued to the workmen by the Management.

2. The Government of India in the Ministry of Labour by its Order under Ref No. L-19011/18/2009-IR(M) referred the dispute between the Management of M/s. P.R. Hede Mines, Collem Mines and their Workmen in the matter of

Retrenchment Notice dated 06-05-2009 issued to the workmen and the terms of reference referred for adjudication by this Hon'ble Tribunal as under :

"Whether the action of the management of M/s. P.R. Hede Mines, Collem, Goa in serving retrenchment Notices to all the workmen dated 06-05-2009 is legal and just. What relief the workmen concerned are entitled to and from which date?"

3. The Employers in relation to the Management of M/s. P.R. Hede Mines submits that they had retrenched all the workmen at their Collem Mines w.e.f. 6th May, 2009 on account of non-renewal of Mining lease, Pending clearance by Wildlife Advisory Board. The said matter was raised in an Industrial Dispute by the Union namely Goa Mine Workers Union, Vasco-da-Gama, Goa before the Asstt. Labour Commissioner, (Central), Vasco-Da-Gama.

4. The dispute raised by the Union was taken up with the Management of M/s. P.R. Hede Mines, Collem Mines, Goa, by the Asstt. Labour Commissioner, (Central), Vasco- Da-Gama and the proceedings were held on various dates and finally the matter ended in failure of conciliation on 06-10-2009 due to divergent views of both the parties and Failure of Conciliation Report was submitted to the Ministry of Labour & Employment vide file No. V A5(2)/ 09-10 dated 13-10-2009 by the Asstt. Labour Commissioner, (Central), and Conciliation Officer, Vasco-Da-Gama, Goa, endorsing copy thereof to both the parties.

5. The Management of M/s. P.R. Hede Mines submits that even though the matter was recorded in failure and the failure of Conciliation Report was submitted to the Government of India, Local Committee of the Workers continued their dialogue with the Management after approaching the Management for discussing the matter for an amicable settlement. After the detailed discussion at the bilateral level Workers Committee and the Management realized that there was a scope for a amicable settlement of the issue and therefore the Management and the Local Workers Committee members representing the Workers approached the Asstt. Labour Commissioner, Central, and Conciliation Officer, Vasco Da Gama, Goa, requesting the Conciliation Officer to intervene in the matter. Accordingly, discussions were held in the Office Asstt. Labour Commissioner, (Central), and Conciliation Officer, Vasco-Da- Gama, Goa, between the Management and Workers represented by Local Workers Committee members.

6. After series of discussion and deliberations as a result of persuasion made by the Asstt. Labour Commissioner, (Central), and Conciliation Officer, Vasco-Da-Gama, Goa, both parties agreed to resolve the dispute amicably and a Settlement dated 28th October, 2009 was arrived at under Section 12(3) read with Section 18(3) of the Industrial Dispute Act, 1947 before the Asstt. Labour Commissioner(Central), Vasco - Da - Gama, Goa, between the Management of M/s. P.R. Hede Mines and their workmen represented by Local Workers Committee members, Collem Mines in the matter of Notice of Retrenchment dated 06-05-2009 issued to the workmen by

the Management. A copy of the Settlement dated 28-10-2009 is attached and marked as Annexure A-I.

7. The Management hereby submits that in view of the Settlement arrived at between the parties the dispute arising out of Notice of Retrenchment dated 06-05-2009 served on the Management having been withdrawn and all the workers affected by the Retrenchment Notice have since been reinstated in the services of the Employer. The dispute stands conclusively settled which has been duly endorsed in Clause 7 of the Settlement, Annexure A-I, which we quote here below :—

Clause 7 of the Settlement dated 28-10-2009:

" Both the parties hereby agree that in view of the above settlement and the employer having agreed to withdraw the retrenchment notices, the dispute raised by their Union before the Assistant Labour Commissioner (Central) which has resulted in recording failure of conciliation now stands conclusively settled, and that the workers have no further dispute with the employer, regarding termination of their services arising out of retrenchment of their services w.e.f. 07-05-2009."

8. The Management hereby submits that in view of the Settlement dated 28-10-2009 under File No. V A-5(6) / 09-10, a copy of which is annexed at Annexure A-I for the perusal of the Hon'ble Tribunal, the dispute referred to this Hon'ble Tribunal by the Government of India, as per the terms of reference, stands conclusively settled and therefore no dispute survives before this Hon'ble Tribunal for adjudication and that the Hon'ble Tribunal may please dispose off the present reference as the dispute is conclusively settled by a Settlement dated 20-10-2009.

9. In view of the for going submission it is respectfully prayed that Hon'ble Tribunal on consideration of the Settlement which is at Annexure A-I signed between the parties before the Conciliation Officer, be pleased to pass an Award to that effect in terms of the Settlement, and dispose off the matter accordingly.

For Employers in relation to M/s. P.R. Hede Mines

(Shailesh R. Bharne)
Asstt. General Manager

Place: Vasco-Da-Gama, Goa.

Date: 7-07-2010

VERIFICATION

I, Shailesh R. Bharne, Asstt. General Manager, M/s. P.R. Hede Mines, do hereby solemnly affirm, and state that contents of para 1 to 5 of this Application are true to my knowledge and contents of paragraph 6, 7 and 8 are based on records and Settlement which I believe to be true.

Solemnly affirmed at Vasco-Da-Gama, Goa, on this 7th day of July, 2010.

(Shailesh R. Bharne)
Asstt. General Manager

FORM-H**MEMORANDUM OF SETTLEMENT****(See Rule 58)**

Memorandum of Settlement arrived at under section 12(3) read with section 18(3) of the Industrial Disputes Act, 1947 before the Assistant Labour Commissioner (Central), Vasco-da-gama, Goa, on 28th October, 2009 Between the management of Dr. P.R. Hede, Collem Mines, Goa, and Their Workmen represented by local workers committee members, Collem Mines over the notice of retrenchment dated 6-5-2009 issued to the workmen by the management.

File No. VA-5(6)/0910

Dated 28th October, 2009.

NAME OF THE PARTIES**Representing the Management**

1. Mr. Charudatta Parab,
Administrative Manager,
M/s. DR. P. R. HEDE MINES.

Representing the Workmen

1. Mr. Braz Fernandes,
Local Workers Committee Member.
2. Mr. Sudesh Bhanudas Virnodkar,
Local Workers Committee Member.
3. Mr. Shekhar Naik,
Local Workers Committee Member.

SHORT RECITAL OF THE CASE

The Goa Mine Workers Union vide their representation dated 11-5-2009 has raised an industrial dispute against the management of M/s. Dr. P.R. Hede, Collem Mine, Goa over the notice of retrenchment dated 6-5-2009 issued to their workmen by the management. The issue raised by the Union was taken up with the management of M/s. Dr. P.R. Hede, Collem Mine, Goa and conciliation proceedings were held on various dates and finally the matter ended in failure of conciliation on 6-10-2009 due to divergent views of both the parties and F.O.C. Report was also submitted to the Ministry of Labour and Employment vide File No. VA-5(2)/09-10 dated 13-10-2009 endorsing copy thereof to both the parties. On 28-10-2009 both the management and the workmen represented by their Local Workers Committee approached this authority and stated that after submission of the F.O.C. Report to the Ministry, both the parties had bilateral discussions and there is scope for an amicable settlement of the issues and hence requested Assistant Labour Commissioner (Central), Vasco. and Conciliation Officer to intervene in the matter. Accordingly, protracted discussions are held between the parties on 28-10-2009 and after prolonged discussions and deliberation and as a result of the persuasion made by the ALC(C), Vasco., both the parties agreed to resolve the dispute amicably on the following terms and conditions:

TERMS OF SETTLEMENT

1. It is agreed by the Employer M/s. Dr. Hede Mines to withdraw the retrenchment notices dated 6-5-2009 issued to 18-workmen and further agrees to take the workers back in employment w.e.f. 28-10-2009.
2. It is agreed between the parties that the workers who have been served with retrenchment notices and paid retrenchment compensation and other legal dues on 7-5-2009, at the time of retrenchment, as provided under the Industrial Disputes Act, 1947, by virtue of principles laid down by the Apex Court "No Work No Pay", these workers are not eligible for any wages for the intervening period from 8th May, 2009 till their reporting back for duty on or before 27-10-2009. However, as a gesture of good will and generosity and in considering the appeal made by the workers, the employer hereby agrees to pay those workers who are parties to this settlement and affected by retrenchment, wages for the period from date of retrenchment till their reporting back for on duty, in three instalment from January to February, 2010. However, this shall not be a precedent and workers carrying out their duties and responsibilities as per the terms set out in this settlement.
3. Workers on their part hereby agrees and affirm that in view of the good gestures shown by the Employer of withdrawing the retrenchment notices and further agreeing to take them back in services to all those workmen, who are parties to this settlement and also further agreeing to pay wages for the intervening period as set out the forgoing clause-2 above in considering the personal appeal made to the Employer by the individual worker and the Local Committee Members, Collem Mines, all the workers being party to this settlement, they on their being taken back in the employment on withdrawing the retrenchment notices, hereby agrees that they shall immediately restore normalcy at their work place at Collem Mines and shall also follow strict discipline and further agrees that they shall not in any manner indulge or involve in any activities against the interest of the employer and the trading activities of the employer at their Collem Mines.
4. It is further agreed by the workers that they shall give full co-operation to the Management on being taken back on duty, and carry out such duties as required by the employer in carrying out their trading activities namely of sorting, clearing, cleaning, separating, re-stacking of the stacked ore on gradation and separation and will also follow such instructions of the employer while on duty, in transporting the stacked or from the private plots at their Collem Mines, to the destination out side mining area and as required by the employer/ employers representative or the officers of the employer.
5. The Employer has clearly made the workers to understand that their Collem Mines Mining Lease have not been renewed to enable them to start full scale

Mining excavation activities, as the employer could not fulfil various conditions laid down by the State Government and the Central Government.

6. It is hereby specifically agreed by the Local Workers Committee Members, Collem Mines and the workmen individually that they shall not resort to any agitational method at their Collem Mines during the currency of this settlement.
7. Both the parties hereby agree that in view of the above settlement and the employer having agreed to withdraw the retrenchment notices, the dispute raised by their Union before the Assistant Labour Commissioner (Central) which has resulted in recording failure of conciliation now stands conclusively settled, and that the workers have not further dispute with the employer regarding termination of their services arising out of retrenchment of their services w.e.f. 7-5-2009.

SIGNATURE OF THE PARTIES

Rep. the Management

Sd./-

(Charudatta Parab)

Rep. the Local Workers Committee

Sd./-

(Braz Fernandes)

Sd./-

(Sudesh Bhanudas Virnodkar)

Sd./-

(Shekhar Naik)

Sd./-

(Karam Chand)

Asstt. Labour Commissioner
(Central), Vascodagama, Goa.

Place : Vasco-Da-Gama,

Date: 28-10-2009.

Witness:

Shri P. Kumaran,
P.A. to All (C),
Vasco., Goa.

SIGNATORIES OF THE PARTIES

Representing Employer

Shailesh Bharné
Asst. General Manager

Representing Employees

Mr Braz Fernandes
Local Workers Committee member
Mr Sudesh Bhanudas Virnodkar
Local Workers Committee member
Mr. Shekhar Naik
Local Workers Committee member.
Prakash Aikar
Shaba Gaonkar

Vishwanath Khedekar

Sadanand Naik

Gokuldas Khedekar

Sashikant Shivdekar

Nandu Desai

Premanand Dessai

Umesh Devidas

Siddesh Gaonkar

Prakash Dessai

Vishnu Devidas

Nilesh Naik

Barappa Hallavi

Rupali Prabhu

Panaji-Goa,

Date: 23-10-2009

नई दिल्ली, 20 अक्टूबर, 2010

का.आ. 2849.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एस. गौइन्का लाईम एण्ड केमिकल प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 194/94) को प्रकाशित करती है जो केन्द्रीय सरकार को 20-10-2010 को प्राप्त हुआ था।

[सं. एल-29012/13/94- आई आर(एम)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 20th October, 2010

S.O. 2849.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 194/94) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. S. Goenka Lime & Chemicals Pvt. Ltd. and their workmen, which was received by the Central Government on 20-10-2010.

[No. L-29012/13/94-IR (M)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/194/94

Presiding Officer : Shri Mohd. Shakir Hasan

Dr. Bipin Bihari Tiwari,
Jabalpur Jila Khadan Choona
Karmchari Sangh, Amahata,
Khalwara Bazar Kymore,
Distt. Jabalpur (MP)

... Workman/Union

Versus

M/s. S. Goenka Lime & Chemicals Pvt. Ltd.,
Harriya, H.O. Goenka Bhawan,
Station Road Katni,
Distt. Jabalpur

... Management

AWARD

Passed on this 6th day of September, 2010

1. The Government of India, Ministry of Labour vide its Notification No. L-29012/13/94-IR (Vividh) dated 5-10-94 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of M/s. S. Goenka Lime & Chemicals Pvt. Ltd. Harraiya Tehsil Katni, Distt. Jabalpur (MP) in terminating the services of Shri Ram Pratap Patel, Man Singh, Gyanendra Singh, Dadua, Jamuna Bai and Kamla w.e.f. April 1993 is justified? If not to what relief the concerned employees are entitled to?”

2. The case of the Union/workmen in short is that the workmen namely Shri Ram Pratap Patel, Mansingh, Gyanendra Singh, Dadua, Jamuna Bai and Kamla were initially employed with the non-applicant and they worked under the non-applicant for about ten years continuously but their services had been terminated without complying the provision of Section 25-F of the Industrial Dispute Act, 1947 (in short I.D. Act, 1947). The action of the management also covered under item 10 schedule Vth of the I.D. Act and is said to be unfair labour practice. It is submitted that the termination be set aside and the workmen be reinstated with full back wages.

3. The management/non-applicant appeared and contested the reference by filing Written Statement. The case of the management inter alia is that the Union is a forged Sangh running in the name of Shri D.P. Pathak as a President who had denied any connection with the alleged Union. This Union is also not affiliated with INTUC as has been claimed by the applicant. It is stated that the alleged workers were never employed with the non-applicant at any time for any period. The question to give any retrenchment notice or retrenchment compensation does not arise. The claim of the Union is false, Malicious and mala fide and the question of termination does not arise. It is submitted that the Union/workman is not entitled to any relief.

4. During the course of proceeding, the Union became absent. Lastly the Tribunal proceeded ex parte against the Union/workmen on 16-1-07.

5. On the basis of the pleadings, the following issues are framed :-

- I. Whether the workmen were ever employed with the management/non-applicant as has been claimed?
- II. Whether the action of management in terminating the services of the workmen w.e.f. April 1993 is justified?

III. To any other relief, the workmen are entitled?

6. Issue No. 1

Since the reference is proceeded ex parte against the Union/workmen, there is no chit of paper or any evidence to established that the workmen were ever employed with the non-applicant/management. The management has adduced one witness namely Shri Anand Goenka. He is Director there. He has stated that the alleged workmen were never employed in the organization and the statement of the Union is absolutely false. His evidence is un rebutted. There is no reason to disbelieve the evidence. The burden is on the Union/workmen to prove that they were employees of the non-applicant and had continuously worked for ten years. In absence of any evidence, the claim of the Union that they were employees of the non-applicant is not proved. This issue is decided in favour of the management.

7. Issue No. II & III

Since it is established that they were not employee of the non-applicant, then the question of termination does not arise. It is evident that they are not entitled to any relief. Accordingly the reference is answered and the issues are decided.

8. In the result, the award is passed without any costs.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 2010

का.आ. 2850.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स आई बी पी कम्पनी लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय जयपुर के पंचाट (संदर्भ संख्या 1/2001) को प्रकाशित करती है जो केन्द्रीय सरकार को 20-10-2010 को प्राप्त हुआ था।

[सं. एल-30012/157/2000 आई आर(एम)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 20th October, 2010

S.O. 2850.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/2001) of the Central Government Industrial Tribunal-cum-Labour Court Jaipur now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. I B P Company Ltd. and their workman, which was received by the Central Government on 20-10-2010.

[No. 1-30012/157/2000-IR (M)]

D. S. S. SRINIVASA RAO, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 01/2001

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल 30012/157/2000-आई.आर.(एम) दिनांक 13-3-2001

श्री अशोक कुमार गर्ग
पुत्र श्री वृज माहन गुप्ता,
मेहताय सिंह जी का चौहारा,
गोयल टैंट हाऊस के पास,
अम्बर, (राजस्थान)

... प्रार्थी

बनाम

मेसर्स आई.बी.पी. कम्पनी लि.
ऑफिस नं. ए-148-349, इण्डस्ट्रियल एरिया,
पोस्ट ऑफिस भिवाड़ी, जिला अलवर

... अप्रार्थी

उपस्थित

प्रीठासीन अधिकारी श्री जी. के. गौड़, आर.एच.जे.एस.

प्राथी की ओर से : श्री सुरेश कश्यप
अप्रार्थी की ओर से : कोई उपस्थित नहीं

दिनांक अर्बाई : 10-3-2010

अर्बाई

1. केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली ने उपरोक्त अधिसूचना के त्रिधे इस आशय का विवाद इस न्यायाधिकरण को आर्बाई.पी.एल. हेतु निर्दिष्ट किया है कि क्या मेसर्स आई.बी.पी. कम्पनी लि., भिवाड़ी अलवर के प्रबन्धन द्वारा श्री अशोक कुमार गर्ग की सेवाएं समाप्त करने की कार्यवाही उचित एवं वैध है? यदि नहीं तो श्रमिक किस सहत का अधिकारी है?

2. रैफरेंस प्राप्त होने के बाद दर्ज रजिस्टर किया जाकर प्रार्थी को नोटिस जारी किया गया कि वे अपना स्टेटमेंट ऑफ डिमाण्ड पेश करें। प्रार्थी युक्तिम की ओर से श्री सुरेश कश्यप ने स्टेटमेंट ऑफ क्लेम पेश किया तथा प्रत्तयली अप्रार्थी को भेज गये नोटिस की तारीख रस्मि के अनुसार हेतु लिखित श्री। इस प्रक्रम पर दिनांक 5.3.2010 को प्रार्थी श्रमिक के प्रतिनिधि ने आक्षेप किया कि इसी आशय का रैफरेंस सी.जे.आई.टी. जयपुर में प्रस्तुत होकर लिखित है और इस प्रकरण को वे चलाया नहीं चाहते हैं।

3. युक्ति प्रकरण सी.जे.आई.टी. में प्रस्तुत होकर लिखित है और प्रार्थी इस प्रकरण को चलाने में अब रुचि नहीं रखता है, ऐसे में प्रार्थी प्रतिनिधि की प्रार्थना स्वीकार की जाती है और प्रार्थी इस रैफरेंस के आशय को रद्द करवाने का अधिकारी नहीं है, अतः प्रकरण में निम्न अर्बाई पण्य किया जाक है;

"मेसर्स आई.बी.पी. कम्पनी लि., भिवाड़ी अलवर के प्रबन्धन द्वारा श्री अशोक कुमार गर्ग की सेवाएं समाप्त करने की कार्यवाही उचित एवं वैध है? प्रार्थी श्रमिक किसी सहत को जाने का अधिकारी नहीं है"।

5. अर्बाई आज दिनांक 10-3-2010 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

जी. के. गौड़, न्यायाधीश

नई दिल्ली, 21 अक्टूबर, 2010

का.आ. 2851.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.एस.एन.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पचाट (संदर्भ संख्या 13 एवं 12/2003) को प्रकाशित करती है जो केन्द्रीय सरकार को 21-10-2010 को प्राप्त हुआ था।

[सं. एल 40012/196/2002 आई आर (डीयू).]

सं. एल 40012/197/2002 आई आर (डीयू).]

जोहन तोपनो, अवर सचिव

New Delhi, the 21st October, 2010

S.O. 2851.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13 & 12/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of BSNL and their workman, which was received by the Central Government on 21-10-2010.

[No. L-40012/196-2002-IR (DU).]

No. L-40012/197-2002-IR (DU).]

JOHAN TOPNO, Under Sec

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.

Case I.D. No. 13/2003 and 12/2003

1. Shri Jarnail Singh
S/o Shri S. Gurdial Singh,
Village Kothe Fateh Din,
P.O. Sherpur Kalan,
Jagraon, Ludhiana.
2. Shri Mohinder Singh
S/o Shri S. Surjan Singh,
VPO Agwar Dalla,
Tehsil Jagraon, Ludhiana.

... Applicants

Versus

The General Manager,
Telecom, BSNL, Ludhiana.

... Respondent

APPEARANCES

For the workman : Workman in person.
 For the Management : Shri Anish Babbar.

AWARD

Passed on 13-10-2010

These two industrial disputes and references are related to each other. Common questions of law and facts are involved in both of the industrial disputes and references, hence, both of the references and industrial disputes are answered and adjudicated by this award. The references in both the industrial disputes which were referred by the Central Government are as follows :-

(1) In ID No. 13/2003, Ref. No. 40012/196/2002/IR(DU), dated 28-11-2002. Whether the action of General Manager, Telecom (BSNL), Ludhiana in terminating the services of Shri Jarnail Singh S/o Shri S. Gurdial Singh, temporary status Mazdoor, w.e.f. 16-06-2001 without conducting proper enquiry is just and legal? If not to what relief the workman is entitled to and from which date?"

(2) In ID No. 12/2003, Ref. No. 40012/197/2002/IR(DU), dated 28-11-2002. Whether the action of General Manager, Telecom (BSNL), Ludhiana in terminating the services of Shri Mohinder Singh S/o Shri S. Surjan Singh, temporary status Mazdoor, w.e.f. 16-06-2001 without conducting proper enquiry is just and legal? If not to what relief the workman is entitled to and from which date?"

It is the common case of each workman that they were engaged by the management as daily waged worker and temporary status was granted to them w.e.f. 01-10-1989. The lineman Shri Amarjeet Singh told that at that time there was no work for them and whenever the work will be available they will be called for. They visited the office of Amarjeet Singh, lineman number of occasions but the same answer was given. They stop visiting the office under belief that whenever the work will be there they will be called for. They received the letter of management dated 02-08-1999 calling their explanation why their services were not terminated on account of long unauthorized absent from the services. Both of the workmen replied the letter. Thereafter, they receive one more letter dated 02-06-2001 again calling their explanation for the workmen for longer unauthorized absent. This letter was also replied by the workman. Every workman offered their services to the management but no work was given to them. Their services were terminated on 16-06-2001. The termination is illegal as they were ready to work but they were not provide any work.

The management of Telecommunication department appeared and opposed the claim by filing written statement. It was the preliminary contention of the management that each industrial dispute is bad by delay and latches. Both

workmen absented from the services in the February 1993 and they replied to the letters dated 02-08-1999 and 02-06-2001. Apart from this, they have not appeared in the office of the SDO, Mullapur calling their explanation. They have not participated in the enquiry conducted by the management, hence, the lawful termination order regarding both of the workmen was passed on 16-06-2001. The evidence of the parties was recorded. All the letters mentioned above are on record. I have heard both of the parties at length. The language of the letter written by each workman to the management proves that they were not having the notice that the temporary status was afforded to them. They stop working with the management in the year 1993 and did not turn up till the date explanation was called for vide letter dated 02-08-1999. Every workman has contended that they regularly visited the office and they were ensured and informed that whenever work will be available they will be called for. The workmen have failed to prove to approach any of the authorities of the management with a view to join the services from 1993 to 1999. It was the letter dated 02-08-99 which provoke every workman to right to the management they are ready for work. Both the workmen failed to ensure their presence before SDM, Mullapur calling their explanation. It is the cumulative effect of the evidence of the parties that the concern SDM who had been posted in Mullapur during the period in question was present in the Court but the workmen were unable to recognize him. They have not visited the office of the person present in the Court and there had been no other SDO then the person present in the Court during the period in question. The initial claim of every workman is that lineman Shri Amarjeet Singh had informed them for non-availability of the work. Lineman has no authority to inform about non-availability of the work to any temporary status workman. Moreover, on refusing the lineman for any work, the workman failed to prove whether they approached to any higher authority for claiming the work. Meaning thereby, from 1993 to 1999 no step was taken by workmen for getting the work and it is proved that they voluntarily abandoned the work. Moreover, when the explanation was called for every workman only replied the explanation in writing without ensuring their presence before the authority concern who has issued the explanation letter. Accordingly, the management has rightly terminated their service because right to hearing was afforded to them but they failed to appear except to reply the explanation letter.

The workman kept mum for complete six year. This period for absence has not been properly explained by the workmen. Thus, every industrial dispute is bad by delay and latches also. No doubt, no period under the Industrial Dispute Act is mentioned for raising the industrial dispute but it has become the settled law of service jurisprudence that industrial dispute should be raise within a reasonable time and if it is delay their should be appropriate and proper explanation of the delay. Six years time is not a reasonable

time and the delay of six years has not been properly explained by any of the workman. Moreover, opportunity of being heard before terminating their services on account of long unauthorized was afforded. The workman failed to avail this opportunity in person but were satisfied by replying the letter in writing. How it is possible for the management to provide the work on the basis of the letter when the workmen have not ensure the presence. Thus, the management has rightly passed the order dated 16-06-2001 regarding the termination of the service of every workman on both of the accounts delay and unauthorized long absence. There is no force in the contention of the workmen. Both of the industrial disputes and references are accordingly answered. Let Central Government be approached for publication of award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2010

का.आ. 2852.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.एस.एन.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 43/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 21-10-2010 को प्राप्त हुआ था।

[सं. एल-40012/62/2004-आई आर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 21st October, 2010

S.O. 2852.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 43/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of BSNL and their workman, which was received by the Central Government on 21-10-2010.

[No. L-40012/62/2004-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case I.D. No. 43/2004

Shri Surender Kumar, S/o Shri Hawa Singh,
Village Ashram Basti Near Kali Mandir,
H. No. 1780/31, Bhiwani Road, Jind.

... Applicant

Versus

The General Manager,
Telecom, BSNL, Jind

... Respondent

APPEARANCES

For the workman : Shri Arun Batra,

For the Management : Shri Anish Babbar.

AWARD

Passed on 6-10-10

The Government of India vide notification No. L-40012/62/2004-IR(DU), dated 04-11-2004 by exercising its powers under Section 10 of the Industrial Disputes Act, (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal:

“Whether the action of the management of BSNL, Jind in terminating the services of Shri Surinder Kumar S/o Shir Hawa Singh, Out Door J.T.O. w.e.f. 29-09-2003 is just and legal? If not, to what relief the workman is entitled?”

After receiving the reference parties were informed. Parties appeared and filed their respective pleadings. The case of the workman in nut shell is that he was engaged/appointed as daily waged worker by SDO, Telecom, Jind on monthly salary of Rs. 900. Later on in the year 1996, he was directed to work in PRX Exchange on monthly salary of Rs. 1230 per month. In the year 1997, the workman was directed to work with MDF Room at the salary of Rs. 1230 per month. His attendance was marked and signatures were taken in the attendance register. He worked up to 2001 in the same capacity. In the year 2001, he was again directed to work in the main exchange. Thereafter, he also worked in defence colony w.e.f. 02-08-2001 to 06-07-2002. He again returned back to the main exchange and worked there till 26-09-2003. His services were terminated on 27-09-2003 when he was not allowed to work. He has completed 240 days of work in every calendar year including in the previous year from the date of his termination. He has worked under the supervision of the management and the wages were directly paid by the management. On the basis of the above contentions, the workman has prayed for setting aside the termination order and for a consequential order reinstating of the workman on the same position he was working prior to his termination.

The management appeared and contested the claim of the workman by filing written statement. The management has challenged the employer employee relationship between the workman and the management. It is contended by the management that the workman has not worked with the management as contended in the statement of claim. He has worked through contractor. He was under the supervision of the contractor and wages were paid to him by the contractor himself.

Both of the parties were afforded the opportunity for adducing evidence. Oral evidence was recorded. The management has filed certain documents M2 to M25 which are relating to the services of the workman through contractor. The workman has also filed the copies of the certain documents relating to the work in different exchanges.

I have heard the parties at length. I have also refused all the materials on record. The main issue for adjudication before this Tribunal is whether services of the workman were provided with to the management through contractor namely M/s. Fair & Lovely Security and Investigating Services? The issue relating to the employer and employee relationship has been dealt with and decided by Hon'ble the Supreme Court in GM, ONGC Shilchar versus ONGC Contractual workers union, 2008 LLR 801. In this case Hon'ble the Apex Court has held that for proving the employer and employee relationship, the workman has to prove the following facts.

- (1) That their existed a master and servant relationship between the workman and the management (workman was directly engaged by the management).
- (2) That the workman was under the administrative control of the management.
- (3) That there was no contractor in between the management and the workmen.
- (4) That the payment of wages were made good by the management to the workman directly and not by the contractor.
- (5) At the cost of the repetition the remittance rolls for the payment of wages were made by the management and not by the contractor.

If the facts and circumstances of the case are considered, it is clear that services of the workman were provided with to the management through contractor M/s. Fair & Lovely Security and Investigating Services. His attendance was marked by the contractor and the bill for the payment of wages forwarded to the management. Sometimes the bill was for four contractual workers and sometimes for three contractual workers. The documents filed by the management regarding the attendance of the workman contains the name of the workman. The workman has stated that no appointment letter was given to him. No doubt, he has contended that wages were directly paid to him by the management but the documents filed by the management proved that consolidated wages were paid to the contractor and thereafter, contractor used to pay the wages to the workman. The workman has also failed to mention any instance which may prove the administrative control of the management over the workman. Thus, from the evidence oral and documentary, it is evidently clear that neither the management was appointed by the workman nor he was under the administrative control of the management. He was not paid the wages by the management but the wages were paid by M/s. Fair & Lovely Security and Investigating Services. Accordingly there had been no master servant relationship between the management and the workman.

Learned counsel for the workman has also contended that contract for supplying the contract labour was regarding supply of security guards on contract. The workman has worked in different capacity and the documents filed by the workman proved this capacity. The

question arise whether the services of the workman provided with to the management through a contractor on outsourcing, merely the change of nature of work can empowered the workman to be treated as permanent employee of the management or as a employee directly appointed by the management? If it is considered and accepted in positive, it will open a new channel for the public appointments. Public appointments have to be made strictly as per law and rules. Mere change the nature of the work cannot substitute a contractual worker or the worker appointed by the management.

Moreover, the workman has not taken the plea that contract was a camouflage and sham. He has only taken the plea that he was directly appointed by the management and was paid wages by the management. In ONGC Shilchar's case (supra), it is also held by Hon'ble the Apex Court that if this issue has not been raised by the management in his statement of claim, he will be barred to raise it subsequently. So the workman as per the ratio of above mentioned judicial pronouncement is barred to take the plea that his services were taken for different purposes then mentioned in the contract. There is no force in the claim of the workman. The workman is not entitled for any relief. The industrial dispute and reference is accordingly answered. Let Central Government be approached for publication of the award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2010

का.आ. 2853.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.एस.एन.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 267 एवं 268/2001) को प्रकाशित करती है जो केन्द्रीय सरकार को 21-10-2010 को प्राप्त हुआ था।

[सं. एल-40012/122/2001 आई आर(डी.यू.)]

[सं. एल-40012/123/2001-आई आर(डी.यू.)]

जोहन तोपनो, अवर सचिव

New Delhi, the 21st October, 2010

S.O. 2853.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 267 & 268/2001) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of BSNI, and their workman, which was received by the Central Government on 21-10-2010.

[No. L-40012/122-2001-IR (DU)]

[No. L-40012/123-2001-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.****1. Case I.D. No. 267/2001**

Shri Krishan Kumar S/o Sh. Amar Singh
Vill. Deog. PO Baroh, Distt. Hamirpur (HP)

2. Case I.D. No. 268/2001

Sh. Ajit Singh S/o Sh. Gurdit Singh,
Vill. Gharana Masand, PO Chowki
Jamwaja, District Hamirpur (HP)

... Applicants

Versus

1. The Divisional Engineer,
Telecom, Project, Hamirpur (H.P.)

2. Sub Divisional Engineer,
Telecom, Project, Hamirpur (H.P.) ... Respondents

APPEARANCES

For the workman : Mr. Jaswal for Ajit Singh
None for Krishan Kumar

For the Management : Mr. Jitender Kumar &
Namit Kumar.

AWARD

Passed on 6-10-10

The Central Government by exercising its powers under Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) referred the following Industrial disputes for adjudication of this Tribunal :-

1. No. L-40012/122/2001-IR (DU) dated 9-7-2001

"Whether the action of the management of the Divisional Engineer Telecom Projects, Hamirpur and SDE, Telecom Project, Hamirpur in terminating the services of Shri Krishan Kumar S/o Amar Singh w.e.f. 01-12-99 is just and legal? If so, to what relief the workman is entitled to?"

2. No. L-40012/123/2001-IR (DU) dated 9-7-2001

"Whether the action of the management of the Divisional Engineer Telecom Projects, Hamirpur and SDE, Telecom Project, Hamirpur in terminating the services of Shri Ajit Singh S/o Gurdit Singh w.e.f. 1-9-2000 is just and legal? If so, to what relief the workman is entitled to?"

These two industrial disputes on the basis of facts and law are related to each other. Common Questions of law and facts are involved in both of the industrial disputes. Hence, for ends of justice, both of the industrial disputes are hereby adjudicated and answered by this award.

It is the common contention of both of the workmen that they were engaged by the management of telecommunication directly. Their name were sponsored by the Employment Exchange. They were paid the wages

directly by the management. Their services were terminated without a month's notice or payment of one month wages in lieu of notice and without payment of lawful terminal dues. It is also the contention of every workman that each of them has completed 240 days of work in the preceding year from the date of termination. Hence, the termination order was void and illegal being against the provisions of the Act. It was further contended by the workman that other persons working with them were considered for regularization. No doubt, their names were also considered, but figure in another list under the court case category. They were refused the regularization of their services only on the grounds of pending litigation initiated by them against the management.

On the basis of above each workman has prayed for setting aside the termination order and for the consequential order for reinstatement of their services with all the benefits.

Management had appeared and opposed the claim of each workman by filing written statement. It was denied that any of the workmen has completed 240 days in the preceding year from the date of termination. It was further denied that services of each workman were terminated. It was furthermore contended that they were engaged for a particular project and as soon as the work of the project was over their services were automatically terminated.

Both of the parties were afforded the opportunity for adducing evidence. Oral evidence was recorded. In the case of Ajit Singh Vs. Telecommunication evidence of both of the parties was recorded, whereas, in the case of Krishan Kumar evidence of management could not be recorded. Order dated 25-11-2008 makes it clear that the management was afforded more than reasonable opportunity for adducing the evidence and on failure of the management to adduce evidence, evidence of the management was closed. I have heard the parties at length in both the industrial disputes at length. In Krishan Kumar Vs. Telecommunication Project and Ajit Singh Vs. Telecommunication Project parties were heard in person.

On perusal of entire materials on record it is evidently clear that the main issue before this Tribunal is whether the services of the workmen were illegally terminated and they were illegally deprived for the right of regularization of services on account of pending litigation against the management. Every workman has filed certain documents, which have been marked Exhibits as per rules and procedure. In Ajit Singh's case workman has filed Ex. W-2 to W-7. These documents are not denied by the management. Ex. W-2 shows the date/month of appointment of workman as July 1998. It also shows that there was no break in the service of the workman and he was under the Administrative Control of D.E. (T.P.). Ex. W-3 to W-5 is the documents relating to the payment of wages to the workman. Ex. W-6 is detail of DRMs (Daily Rated Mazdoors) working in Hamirpur (TP Division). The name of workman Ajit Singh figured at serial no. 4 in para 4 relating to DRMs not working under court case. Ex. W-7 is the letter written by SDE (HRD)

to the ADT (Staff) C/o CGMT. Shimla informing him that all the DRMs have been regularized into service and no one is left behind.

Likewise, in the case of Krishan Kumar the workman has produced and proved certain documents, which are Ex. W-2 to W-7. Ex. W-2 is the copy of departmental communication showing the date of engagement of workman Krishan Kumar from July 1998. This document also shows that there has been no break in the service. Ex. W-3 is relating to the working days of the workman. Ex. W-4 is the document relating to details of DRMs working in Hamirpur (T.D. Division). In this document name of Krishan Kumar figure at serial no. 2 in para 4 DRMs not working under court case. Ex. W-5 is the certificate issued by the S.D.E. to the workman to the effect that he was worked with the management with effect from July 1998 to July 1999. Ex. W-6 is the application written by Shri Krishan Kumar to Divisional Engineer for getting his wages for the month of July. Ex. W-7 is the communication between the S.D.E. (HRD) and the ADT (Telecommunication) C/o CGMT, Shimla informing the ADT (Staff) that all the DRMs engaged in Hamirpur have been regularized and one is left behind.

From the above documents, it is absolutely proved by the workmen that both of them were working as DRMs in the office of Telecommunication, Hamirpur. As per the records of the management, it is also proved that every workman has worked for more than 240 days in the preceding year from the date of termination. It is also proved that process of regularization of services of all the DRMs working in Hamirpur was initiated and the services of all the DRMs were regularized except those whose services were terminated prior to it on the ground that they have initiated the court cases against the management. Initiation of the judicial proceedings for violation of the right of any person is protected sometimes as a legal right, sometimes as a constitutional right and sometimes as a fundamental right. The right to work and to continue to work is the legal and constitutional right protected under part 4 of the Constitution as directive principles of State Policies. In the welfare State, which I can claim India to be, there are harmonious relations between the directive principles, fundamental duties and fundamental rights. Certain directive principles have other right effects the fundamental rights. Hon'ble the Apex Court in numerous judicial pronouncements while interpreting the provisions enumerated in Article 21 of the Constitution under the right to life and personal liberty has specifically mentioned that it is fundamental right of every person to lead a life of dignity. Any effort to deprive any person from such right which can infringe the right to live dignified life has been termed as violative of Article 21 of the Constitution.

Both of the workmen were working with the management. They had completed 240 days of work in the preceding year from the date of their termination. Other daily rated mazdoors continued to work. Their services were regularized by the management as per rules, but the services of each workman were terminated without any notice or without payment of one month wages in lieu of

notice and without payment of lawful terminal dues. The act of the management in terminating the services of the workman was against the provisions of Industrial Disputes Act and the termination was illegal and voids-ab-initio. The another issue before this Tribunal is, no doubt, not referred specifically, but is a conciliatory issue with the main issue, whether the management has illegally deprived the workman from the right to regularization of their services. Generally, this Tribunal should not give trouble to its judicial conscious on the issue of regularization of Daily Rated Mazdoors, but in the issue of regularization of DRMs is involved either as a primary issue or the conciliatory issue, it is within the purview of this Tribunal. The regularization of the workmen was denied on two grounds: (1) they were not working with the management at the time of regularization of other persons. The answer of this Tribunal to this ground is that the services of every workman were terminated illegally and for all purposes they will be treated as Daily Rated Mazdoors on the date of services of co-workers were regularized. (2) The other ground taken by the management which is clear from the documents is pending litigation. No doubt it is not clear from the document, who initiated the litigation and against whom, but as it is clearly relating to the workman. Now the question arises whether the legal right can be denied to any person on account of pending litigation. To approach any court or judicial Forum for redressal of the grievances is a right protected by the Constitution. Can it be taken away? Moreover, every workman approached the forum against their illegal termination and the benefit of any scheme including the scheme of regularization of services cannot be denied on the ground of pending litigation. It is violative of Article 14, 16 and 21 of the Constitution. The classification under Article 14 can be made on some reasonable criteria. Yes, the working and non-working workman can be reasonable criteria for any differentiation under Article 14, but non-working of every workman was due to the illegal of the management.

Thus, both of the workmen deserve reinstatement into the service as their services were illegally terminated. Termination was void ab-initio being against the provisions of the Act. They are also entitled for consideration of their regularization into the services at par with the other persons whose services were regularized and this benefit was denied to them on account of pending litigation. The management is, accordingly, directed to reinstate the service of each workman with all consequential benefits within one month from the date of publication of the award. The management is also directed to consider the names of both of the workman for regularization of their services at par with other co-workers whose services were regularized but the benefit was denied to each of the workman on account of pending litigation. Accordingly, the industrial disputes under reference are hereby answered. Let Central Government be approached for publication of the award, and thereafter, file be consigned to the record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2010

का.आ. 2854.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.एस.एन. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 62/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-2010 को प्राप्त हुआ था।

[सं. एल-40012/22/2005-आईआर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 21st October, 2010

S.O. 2854.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 62/2005) of the Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BSNL and their workmen, which was received by the Central Government on 21-10-2010.

[No. L-40012/22/2005-IR(DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present:- Shri VED PRAKASH GAUR, Presiding Officer

Dated the 7th day of September, 2010

Industrial Dispute No. 62/2005**Between:**

Smt. Dasari Venkata Lakshmi,
C/o Sri D. Papa Rao,
D.No. 4-15-17-2,
Annapurna Veedhi, Alcot Gardens,
Rajahmundry, East Godavri Distt.Petitioner

AND

The General Manager,
Telecom, BSNL,
Rajamundry,
East Godavari District.Respondent

APPEARANCES:

For the Petitioner : M/s. V. Narsimha Goud & T.V.
Ravinder Kumar, & B. Ravindar
Prasad, Advocates.

For the Respondent : Sri Karror Mohan, Advocate

AWARD

This case has been registered on the basis of reference received from the Government of India, Ministry of Labour by its Order No.L-40012/22/2005-IR(DU) dated 22-7-2005 to adjudicate the dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Bharat Sanchar Nigam Ltd., and their workman Smt. Dasari Venkata Lakshmi. The term of reference is as under:

SCHEDULE

“Whether the action of the management of M/s. Bharat Sanchar Nigam Ltd., represented by General Manager, telecom District, East Godavari, Rajahmundry in terminating the services of Smt. Dasari Venkata Lakshmi Ex-casual Worker in the office of Accounts Officer (Pay & T.A.), BSNL, Rajahmundry w.e.f. August, 2004 is legal and or justified? If not, to what relief Smt. Dasari Venkata Lakshmi is entitled?”

The reference is numbered in this Tribunal as I.D. No. 62/2005 and notices were issued to the parties.

2. After receipt of the notice the workman has filed claim statement alleging therein that she was engaged under Account Officer & Sub-Divisional Engineer, GMTD, BSNL, Rajahmundry on 25-11-2002 as sweepers cum water woman. She used to work in Respondents' establishment from 8 AM to 5 PM. She was discharging the duty of a permanent employee in a vacant post. She continuously worked upto 31-8-2004. When she reported for duty on 1-9-2004 she was not allowed to resume her duty for the extraneous reasons which amounted to retrenchment of her services without giving any notice or pay in lieu of the notice or without payment of retrenchment compensation under Sec.25F of the Industrial Disputes Act, 1947. She has further stated that she worked for more than 240 days in the organization of the Respondent management, she made her best efforts before the management of reinstate her and regularize her services but no attention was paid by the management. She was forced to make application before Assistant Labour Commissioner (C), Visakhapatnam to try to resolve the dispute through conciliation proceeding but on the failure of the conciliation proceeding, Assistant Labour Commissioner (C) referred the matter to the government from where the present reference has been sent for adjudication. She was alleged that the order of her retrenchment or termination of the services is illegal, arbitrary, unjustifiable and fit to be quashed.

3. Counter statement has been filed by Respondent wherein they have stated that claimant was engaged for fetching water to fill up the water container and for cleaning the office on daily wage of Rs. 25 per day. She used to work for two hours for two hours a day or five days in a week. No appointment order was issued to her. Her services were

utilised on temporary basis. She was not employed. There is no relationship of master and servant between the management and the Petitioner workman. Hence, the provisions of Industrial Disputes Act, 1947 is not applicable and this court lacks jurisdiction. Petitioner's contention that she worked for 240 days has been denied by the Respondent and they have challenged that it has to be proved by the Petitioner workman.

4. Respondent has further stated that the Petitioner was a part time daily worker and as such she was not entitled for regularization as held by Hon'ble Supreme Court in the matter of Dhampur Sugar Mills Ltd., Vs. Bhola Singh reported in 2005(3) ALD 35 (SC). It has further been stated that petition is lacking merit, baseless, frivolous and deserves to be dismissed.

5. Parties were directed to produce their evidence. Petitioner Smt. Dasari Venkata Lakshmi has filed her affidavit in evidence. The Respondent did not attend to the court and the case was set exparte and Petitioner has filed her affidavit in support her claim. I have heard ex-parte argument of the Learned Counsel for the Petitioner who has submitted his written argument through which he has argued that the Petitioner has been worked continuously from 25-11-2002 to 31-8-2004, as such, she has worked for more than 240 days, although no appointment letter was issued in favour of the workman.

6. He has argued that in counter statement filed by the management it is undisputed fact that Petitioner has worked under management as such, Petitioner is entitled for regularization. Since the Petitioner has been disengaged from the service without following proper procedure and without giving any notice or retrenchment compensation as such, the order of disengagement is fully, arbitrary, illegal and deserves to be quashed.

7. I have considered this argument of the Learned Counsel for the workman and I have also gone through the evidence on record. No doubt, the case has been set exparte against the Respondent, the onus of proof lies on that workman that she was engaged as alleged by her for whole time in a regular vacancy and she has worked for more than 240 days.

8. To prove the above fact, the Petitioner workman has filed her affidavit only. As against this the Respondent has also filed their counter statement wherein they have alleged that Petitioner was a part time worker engaged for only two hours for five days in a week on payment of Rs.25 per day. In that event it is the duty of the Petitioner to prove by cogent material that she worked on the regular basis as a full time worker and she used to get monthly salary as alleged by her in her claim statement as well as affidavit filed before this tribunal. However, there is nothing on the record to supplement the contention of the Petitioner that she has worked on the regular basis or she used to

work for full day and she was getting monthly wages as alleged by her.

9. It has been contended by the Learned Counsel for the Petitioner through the written argument that Petitioner has completed more than 240 days of service in each year. Therefore, the action of the management in terminating the services of the workman is violative of principles of Sec.25F of the Industrial Disputes Act, 1947. The services of the workman were terminated without any notice or without payment of the wages in lieu of the notice as such, the termination order is illegal, arbitrary and deserves to be quashed. I have considered the additional written argument of the Petitioner workman wherein in para 3 of the written argument, it has been contended that the admitted case of the Respondent management is that Petitioner has worked on daily wage basis @ Rs.25 per day and she used to work for five days in a week. She has also worked on holidays i.e., Saturdays and Sundays which has to be counted for the working days. According to the judgment of the Hon'ble Supreme Court reported in AIR 1986 (SC) 132 at para 7 and 8, as such, if the Sunday and Saturday is counted as working days it will prove that the Petitioner workman has worked for more than 240 days in the year preceding to her disengagement. He has further argued that in the year 1975 beginning from July, 1975 to July, 1976, the Petitioner has worked for 202 days thereby 52 Sundays and 17 holidays, thus, the total working days comes to 272 days and thus, the requirement of Sec.25F of the Industrial Disputes Act, 1947 has been fulfilled in the present case and the non observance of the Sec.25F of Industrial Disputes Act, 1947 affects the very legality and validity of the termination order.

10. In the light of the above submission, I have gone through the papers available in this file. There is not a single piece of paper to prove that Petitioner has worked for 202 days in the year 1975-76 as alleged in the written argument of the Learned Counsel for the workman. Thus, the argument of the Learned Counsel for the workman is without any foundation and without any basis. The Petitioner workman has not been able to prove that she has worked for 202 days beginning from July, 1975 to July, 1976. Moreover, she has been a daily wage worker as such, the argument of the Learned Counsel for the Respondent that since the Petitioner was daily wages worker she does not derive any legal right to be regularized or absorbed in the service. He has relied on the case law reported in 2005(3) ALD page 35(SC) in the matter of Dhampur Sugar Mills Ltd., Vs. Bhola Singh, wherein Hon'ble Supreme Court has held that when a workman is appointed in terms of a scheme on daily wages, he does not derive any legal right to be regularized in his service. It is now well known that completion of 240 days of continuous service in a year may not by itself be a ground for directing regularization particularly in a case when the workman has not been appointed in accordance with the extant rules. This case law fully apply in the present case.

10A. The Petitioner of this case was simply a daily rate part time worker she has not even completed 240 days, or 202 days as claimed by her. She being only a daily rate worker is not entitled to be regularized in the service or to be reinstated after disengagement. In the light of the aforesaid discussion, this tribunal is of the opinion that Petitioner's claim is devoid of any merit, she is not entitled for reinstatement or for regularization, she was simply a daily rate worker as such, the termination order is neither illegal, nor arbitrary nor deserves to be quashed.

11. Petition has got no merit, it deserves to be dismissed. This tribunal is of the opinion that the action of the management of Bharat Sanchar Nigam Ltd., represented by General Manager, Telecom District, East Godavari, Rajahmundry in terminating the services of Smt. Dasari Venkata Lakshmi, Ex-casual Worker in the office of Accounts Officer (Pay & T.A.), BSNL, Rajahmundry w.e.f. August, 2004 is legal and justified and Petitioner is not entitled for any relief. The reference is answered accordingly. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 7th day of September, 2010.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1: Smt. Dasari Venkata Lakshmi	MW1: NIL
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Documents marked for the Petitioner.

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 अक्टूबर, 2010

का.आ. 2855.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाभा एटोमिक रिसर्च सेंटर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 25/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-2010 को प्राप्त हुआ था।

[सं. एल-42025/11/2010-अर्द्धआर (डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 21st October, 2010

S.O. 2855.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 25/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bhabha Atomic Research Centre and their workman, which was received by the Central Government on 21-10-2010.

[No. L-42025/11/2010-IR(DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT: Shri VED PRAKASH GAUR, Presiding
Officer

Dated the 19th day of July, 2010

Industrial Dispute L.C.No.25/2007

Between

Sri V. Ram Chander,
S/o Buchanna,
R/o H.No. 10-01-429,
Nehru Nagar Colony, Block No.2,
ECIL (P), Uppal (M)
Ranga Reddy District.

...Petitioner

AND

Head,
CCCM/Bhabha Atomic
Research Centre, Arch. & Civil
Engineering Division, C.C.C.M. Project,
E.C.I.L. (P.O.), Hyderabad, - 500 762.

...Respondent

APPEARANCES:

For the Petitioner : M/s. G. Ravi Mohan, G. Naresh
Kumar, Vikas Sharma & G. Pavan
Kumar, Advocates.

For the Respondent : Sri P. Raveender Reddy, Advocate.

AWARD

This petition under Sec.2 A(2) of the I.D. Act, 1947 was filed by Sri V. Ram Chander in light of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others challenging the oral termination order dated 30-9-2006.

2. Petitioner has filed claim statement stating therein that he was appointed as Gardener in March, 1995 in Respondent centre and was also discharging miscellaneous work like sweeping and attendar etc. He was made member of ESI and was also enjoying holidays and benefits which

were enjoyed by consolidated employees though he was casual employee. Suddenly, Respondent started paying him less than minimum wages as prescribed, aggrieved on which he made application to the Respondent and also to Regional Labour Commissioner (C), Hyderabad where Respondent represented that Petitioner was a contract labour and showed Mr. Srinivas as contractor. However, Respondent terminated the services of petitioner orally on 30-9-2006 without any notice after 10 years of continuous service. He prayed that the termination be set aside and Respondent be directed to give reinstatement to the Petitioner.

3. Counter statement has been filed by the Respondent. It is submitted that Petitioner workman was working under contractual obligation and never been appointed by the Respondent. It is submitted by the contractor Sri E. Srinivas to the Respondent that the contractual workmen were paid lesser wages due to their absenteeism. The claim statement is liable to be dismissed in limini.

4. It is informed by the Petitioner's counsel on 9-6-2010 that Petitioner is dead and he will move LRs petition. But, none appeared till 19-7-2010 and no LR petition was filed as such in absence of LRs, petition is dismissed in absence of petitioner.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 19th day of July, 2010.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner.

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 अक्टूबर, 2010

का.आ. 2856.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जन शिक्षण संस्थान के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 82/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-2010 को प्राप्त हुआ था।

[सं. एल-42025/12/2010-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 21st October, 2010

S.O. 2856.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 82/2006) of the Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Jan Shiksha Sansthan and their workman, which was received by the Central Government on 21-10-010.

[No. I-42025/12/2010-IR(DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present:- Shri VED PRAKASH GAUR, Presiding Officer

Dated the 31st day of August, 2010

Industrial Dispute L.C.No.82/2006

Between:

Sri C. Aruna Parsad,
S/o Late Ramchandra Rao,
C/o m/s. Abinand Kumar Shavili,
240-A, Brindavan Apartments,
Niloffer Hospital Road,
Red Hills, Hyderabad.

...Petitioner

AND

1. The Secretary,
Department of Elementary Education & Literacy,
Ministry of Human Resource Development,
Government of India, New Delhi- 110001.
2. The Director General,
National Literacy Mission,
Department of Elementary Education & Literacy,
Ministry of Human Resource Development,
Government of India, New Delhi- 110001.
3. The Chairman,
The Board of Management,
Jan Shiksha Sansthan, Malleshpalli ITI Campus,
Vijayanagar Colony, Hyderabad.
4. The Director,
Jan Shiksha Sansthan, Malleshpalli ITI Campus,
Vijayanagar Colony, Hyderabad.

...Respondents

APPEARANCES:

For the Petitioner : M/s. Abhinand Kumar Shavili & K.
Srinivas Prasad, Advocates

For the Respondent : M/s. P. Raveender Reddy,
Advocates for R1 & R2

M/s Kanakamedala Ravindra
Kumar, K.V. Rajendra Prasad &
T.Tejeswara Rao, Advocates for R3
& R4

AWARD

Petitioner Sri C. Aruna Prasad has filed this petition under Sec.2A(2) of the I.D. Act, 1947 in light of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of -1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others challenging oral order of his termination dated 1-4-2006 as illegal, arbitrary and violative of principles of natural justice with prayer to quash the oral termination order and to reinstate him into service of the Respondent management.

2. It has been contended by the Petitioner in his claim statement that after completing his B.A. Degree from Nagarjuna University in 1986, he has further under gone technical qualification with typewriting in English, from State Technical Board and passed graduate diploma in computer applications. He was appointed as office Receptionist on 18-12-2003 in 3rd Respondent's organization while discharging his duties he never gave any scope or opportunity to anyone to doubt his integrity and devotion towards duty. Initially the Petitioner was paid a consolidated amount of Rs.3500 per month which was enhanced to Rs.4000 after completion of 4 months and at the time of his termination he was drawing consolidated salary of Rs.4000 per month.

3. The Respondent Jan Sikshan Sansthan is a registered society set up as non governmental organization and the affairs of the Jan Sikshan Sansthan is being looked after by Board of management. The organization is funded by Government of India which issued guidelines from time to time for developing, planning and maintaining collaborations with the other institutions/agencies.

4. The Petitioner was appointed as office assistant as per staff pattern fixed by Board of management. The initial appointment was for period of 6 months on contract basis which was subsequently extended with a fresh contract from time to time. But no written contract was entered into between the Petitioner and the management. The Petitioner has been working without any adverse remarks and the management has been paying EPF contribution in respect of the employees to the EPF organization. Inspecting Officer has visited the office of Jan Sikshan Sansthan in the month of December, 2005 who noted the number of employees working in Jan Sikshan Sansthan and issued a show cause notice to Jan Sikshan Sansthan for paying EPF contribution from the date of initial appointment of the employees. On the basis of the

notice of EPF organization the Jan Sikshan Sansthan organization started making payment of EPF contribution for the month of December 2005 to March, 2006. Jan Sikshan Sansthan had not paid EPF organization for rest of the employees.

5. The workman has further submitted that without assigning any reason Jan Sikshan Sansthan management has terminated the services of the workman without giving any reason or notice which is wholly arbitrary and illegal and violative of principles of natural justice. The Respondent are continuing the services of Sri J. Satyanarayana, Accountant who has misappropriated the fund of Jan Sikshan Sansthan, which would demonstrate that the Respondent are shielding corrupt employees and terminating the services of Petitioner like workers. It has further been contended in the claim statement that the entire staff of Jan Sikshan Sansthan is appointed on contract basis as per the guidelines issued by the Government of India. But Respondents are continuing the services of some of the employees without any break but terminating services of other employees without assigning any reasons which amounts to unfair labour practice. The workman had requested this tribunal that the oral termination order be declared as illegal and it will be quashed and Petitioner be reinstated with back wages.

6. Respondent No.1 and 2 has filed joint counter statement through their Under Secretary Sri S.K. Ohri stating therein that activities of Jan Sikshan Sansthan is managed by Board of management which is a non-governmental organization registered under Societies Registration Act. The staff of the Jan Sikshan Sansthan is appointed by its management and no employee has been appointed by the Government of India. The Government of India only releases annual recurring grant to conduct the programmes/activities, therefore the Jan Sikshan Sansthan is not instrumentality of the State. Jan Sikshan Sansthan is a voluntary organization, therefore the Government of India and Respondents No.1 and 2 should not have been arrayed as Respondents. The management of Jan Sikshan Sansthan is vested in a duly constituted Board of management which is policy making and supervisory body and they have the power to recruit and decide the service conditions including remunerations of its employees. Government of India has nothing to do of these affairs.

7. Respondents No.3 and 4 have also filed joint counter statement wherein they have stated that Jan Sikshan Sansthan is a registered society, the object of the society are mentioned in para (a) to (c) of the counter statement. They have further stated that the Petitioner is not maintainable under Sec.2A(2) because the Petitioner's are not workmen. Further they have alleged that the Petitioner was appointed for 6 months initially. He was taken into service purely on adhoc basis without any fixed period. The EPF contribution of the Petitioner has been paid by the Respondent.

8. The contention of the Petitioner that their services were terminated orally w.e.f. 1-4-2006 is incorrect. The Respondent No.3 and 4 has stated that Petitioner himself absconded from duty without assigning any reason or intimation to the office. The continuous absence of Petitioner from duties without intimation amount to misconduct as such, a notice was issued to the Petitioner calling upon him to report and said notice was displayed on the notice board giving one week's time to report on duty. Petitioner failed to report to duty even after expiry of the prescribed period. Thus, an enquiry was conducted and service of the Petitioner were terminated. There is no illegality in terminating the services of the Petitioner. Respondent has followed due procedure of the law in terminating the services of the Petitioner. The Respondent has further challenged the allegation of the workman that the Respondents are dispensing with services of the one contract employee with that of another employee without any reason.

9. It has further been alleged that there is no complaint with regard to the functioning and activities of the society from any quarter so far. The entire working of the society has been in accordance with guidelines issued by Ministry of Human Resource Development, Government of India. It has further been submitted that as per activities of organization there is no demand for affording employment to another employee as there are already nine members in the staff for the working of the organization, it is sufficient to execute the programme of the organization. If any vacancy will arise in the future, notification will be given calling for application from the interested candidates. There is no substance in the claim statement, it is baseless and fit to be rejected and claim petition deserves to be dismissed.

10. Both the parties were directed to file their evidence to assess the legality or otherwise of the alleged termination order. Petitioner workman has filed his own affidavit in support of his claim statement and has marked 11 documents Ex.W1 to W 11 in support of his claim. The workman has produced himself for cross examination and was cross examined by Respondents at length. From the side of Respondent Smt. T. Rajani Kumari, Incharge Director of Jan Sikshan Sansthan has filed her affidavit and she has produced herself for cross examination. During course of cross examination, she stated that an enquiry was conducted on 28-4-2006 in the matter of absence of the Petitioner from duty, she was directed to file the enquiry proceeding book, but she has not been able to file any enquiry proceeding book. However, she filed show cause notice written on letter head of Jan Sikshan Sansthan addressed to Sri C. Aruna Prasad, the workman and proceeding of Incharge Director, Jan Sikshan Sansthan, xerox copy of letter dated 29-8-2006 addressed to Regional Provident Fund Commissioner regarding payment of PF arrears the six employees of Jan Sikshan Sansthan and xerox copy of combined challan account voucher.

11. I have heard Learned Counsel for Petitioner workman and that of Respondent No.2,3 and 4. Respondents have also filed written argument through their counsel. In the present case this tribunal has to adjudicate the following points:

- (I) Whether the action of the management in terminating the services of the workman is arbitrary, illegal and violative of principles of natural justice.
- (II) Whether any departmental or domestic enquiry was conducted by the management following the principles of natural justice it's effect?
- (III) To what relief if any the Petitioner workman is entitled?

12. **Point No.(I):** It is admitted case of the parties that Petitioner Sri M. Sarath Krishna was appointed as Receptionist in the organization of the management Respondent No.3 and 4. It is also undisputed fact that Petitioner was terminated w.e.f. 1-4-2006. The question before this tribunal is to adjudicate whether the action of the management in terminating the services of the Petitioner is illegal or arbitrary or violative of principles of natural justice or not. Workman has filed his affidavit wherein he has stated oath that he was terminated by a oral order from 1-4-2006. Against this allegation of the workman the Incharge Director of the Respondent No.3 and 4 has contended that Petitioner himself absconded from the duty. Therefore, notice was given to him to report for duty. Since he did not appear even after the due notice, his services were terminated. The Petitioner in his cross examination stated that he was not absent from duty in the month of March, 2006. This question was asked from the Petitioner during cross examination that he remained absent in the month of March, 2006. However, no such allegation was made by the Respondent while filing their counter statement before this tribunal. If the Petitioner was absent for entire month of March, 2006 this allegation should have been brought before the court through the counter statement filed by the Respondent No.3 and 4, because they were the supervisory authority and they were looking after the absence of the workman concerned. But no such statement was made by the Respondent either through the counter statement or through their affidavit filed before this tribunal. Thus, the suggestion given by the Respondent to the workman during the course of his cross examination has got no value and no credence can be given to such suggestion made by the Respondent. Not only that the workman has stated that his services were terminated by oral order and no notice was given to him. If any notice would have been given to the Petitioner then, the copy of such notice should have been served on Petitioner himself. But there is no allegation that copy of notice was served on Petitioner, if it is served on Petitioner what was the mode of service, it not been disclosed by the Respondent

who were duty bound to prove before this tribunal that notice was given to the Petitioner either to resume the duty or to show cause for non attendance to the duty. Only alleged copy has been placed on the office file and the notice board. There is no mention in this notice that a copy of this notice was given to the Petitioner workman. Placing a copy of notice on the notice board itself is not a sufficient and proper service. That too without making any categorical statement either through the counter statement or through the affidavit filed in evidence by the Respondent No.3 and 4. The alleged show cause notice filed before this tribunal said to have been issued on 10-4-2006 appears to be manufactured document because it is printed and typed and on a very fresh and new paper. No attendance register has been filed by the Respondent to show that the workman remained absent during the month of March, 2006. It was the duty of the Respondent to prove that the workman was absent through out the month of March and he was responsible for his termination from service due to remaining absent without any intimation or leave from the Respondent management. It is material evidence which must be available in the office of the Respondent but it has not been brought before court and has been concealed by the Respondent and they simply stated that Petitioner himself has absconded, which resulted in his termination through written order. How this termination order was served on the Petitioner is also a matter of consideration because mode of service of termination order is not disclosed, this termination order is also typed and prepared on a very fresh paper, it does not appear to be passed on 25-4-2006 i.e., 4 years old entire material typed in this paper and signature appear to be very fresh. More over, this termination order also appears to have been doctored after deliberation. Smt. T. Rajani Kumari appeared before this tribunal for cross examination who stated in her cross examination that she has sent notice of absconding on 10-4-2006 on the address of the Petitioner but, there is no endorsement of the giving a copy to the Petitioner. Though there is endorsement in the termination order regarding marking copy to the Petitioner but there is no endorsement on the show cause notice that a copy of show cause notice was given to the Petitioner. However, she has stated that acknowledgement of the notice was not received in the office of the Respondent. In the next sentence, she has stated that she do not remember whether notice was sent to Petitioner through registered post or ordinary post, however, it was displayed on the notice board. This shows that notice was neither sent through ordinary or through the registered post, it is after thought action of the management. She has stated that enquiry was ordered on 28-4-2006 however, she has not been able to produce the order regarding constitution of domestic enquiry against the Petitioner as such, her statement to this effect can not be accepted. Though she has stated that enquiry notice was sent through the post. But no such enquiry notice has been filed nor any postal receipt has been filed by the

management. This prove that the alleged written termination order filed by the Respondent management during course of the cross examination of the Respondent witness is a manufactured document prepared for the purpose of this case. It was a non existing document and the contention of the Petitioner appears to be correct that his services were terminated without any written order. Thus, action of management in terminating the services of the Petitioner who was appointed by written order is unfair labour practice and illegal and unsustainable in eye of law. Point No.1 is answered accordingly.

13. Point No.(II): The Respondent has submitted that enquiry has been conducted on 24-4-2006 after giving notice to the Petitioner and he was further directed to attend the enquiry, however, Respondent has not been able to file any such document or material before this tribunal which may go to show that any enquiry was ordered by the department or any enquiry was conducted by the management. If the enquiry was conducted who was the Enquiry Officer, what was the mode of enquiry and procedure of enquiry, this material fact has not been brought before this tribunal. Apart from this, Smt. T. Rajani Kumari has admitted in her last sentence on page one of her cross examination that no formal charge sheet was issued to the Petitioner, only show cause notice was issued. She has stated that Petitioner was a temporary employee as such, no charge sheet was issued to him. She has further stated that Enquiry Officer was appointed by her, but, who was the Enquiry Officer she has not been able to explain. However, she has admitted that proceeding of appointing Enquiry Officer was not done because Petitioner was temporary employee, this prove that unfair labour practice and violation of provisions of Industrial Disputes Act, 1947 has been committed. If an enquiry has to be conducted then Enquiry Officer should have been appointed, the name of the Enquiry Officer, place and time of hearing of the enquiry proceeding has to be intimated to the delinquent employee which has not been done in the present case. However, Smt. T. Rajani Kumari has stated that she do not remember the name of the Enquiry Officer. In the next sentence she has stated that there was enquiry report. But she has not filed the enquiry report before this tribunal. If any enquiry report was prepared in this case, the Respondent is duty bound to file the same before this tribunal. Non-production of enquiry report before this tribunal give an adverse impact on the functioning of the Respondent and it amounts to non compliance of the principles of natural justice. Smt T. Rajani Kumari has further stated that based on the enquiry report Petitioner's services were terminated by order dated 24-4-2006. If order dated 24-4-2006 was passed on the basis of enquiry report then the statement of Smt. T. Rajani Kumari given before this tribunal that enquiry was conducted on 28-4-2006 is incorrect and false. If enquiry was conducted on 28-4-2006, the order of termination could not have been passed on 24-4-2006 on the basis of enquiry report dated 28-4-2006.

the contention of the Respondent that she has passed written termination order basing on the enquiry report of the Enquiry Officer is totally false and she is a truth less and unreliable witness. It appears that no enquiry was conducted and Petitioner was terminated without any order. Thus, the manner in which the services of the Petitioner has been terminated in unjust, illegal and it amounts to unfair labour practice and violative of principles of natural justice. The entire action of the management is wholly illegal and unjustifiable. No enquiry was conducted in the present case and if alleged to have been conducted, the principles of natural justice has been completely violated in the present case. Point No.II is decided accordingly.

14. **Point No.(III):** From the discussion of point Nos. (I) and (II) this tribunal has come to the conclusion that no enquiry was conducted in the matter of present Petitioner, no written termination order was passed as alleged by the Respondent though Petitioner was appointed by a written order. He could not have been terminated by oral order. The absence or absconding of Petitioner has not been proved in this case. The termination of services of the Petitioner through oral order is wholly arbitrary, unjustifiable, illegal and violative of principles of natural justice and it deserves to be quashed, it is being quashed, Petitioner deserves to be reinstated in the service but without back wages. Respondent is directed to reinstate the Petitioner in the service on the same post and same wages within two months from the date of publication of this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 31st day of August, 2010.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1: Sri C. Aruna Prasad	MW1: Smt. T. Rajani Kumari

Documents marked for the Petitioner

Ex.W1:	Copy showing scheme of Jan Sikshan Sansthan which runs in 84 pages
Ex.W2:	Copy of scheme of State Bank of India Saving Scheme for safety growth liquidity paper No.85 which runs to 12 pages
Ex.W3:	Copy of salary certificate dt.24-08-2004
Ex.W4:	Copy of minutes of meeting of Jan Sikshan Sansthan dt.8-6-2005

Ex.W5:	Copy of statement showing employee wise emolument statement paper No.103
Ex.W6:	Copy of complaint paper
Ex.W7:	Copy of representation to Chairman of Respondent dt.17-12-2005
Ex.W8:	Copy of inspection report of the office of P.F.E.O dt.23-12-2005
Ex.W9:	Copy of note for payment of PF arrears submitted to Vice Chairman, JSS, Hyderabad
Ex.W10:	Copy of representation to Chairman
Ex.W11:	Copy of agenda notes for BOM meeting

Documents marked for the Respondent

NIL

नई दिल्ली, 21 अक्टूबर, 2010

का.आ. 2857.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जन शिक्षण संस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 83/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-2010 को प्राप्त हुआ था।

[सं. एल-42025/13/2010 आई.आर.(डी.यू.)]
जोहन तोपनो, अवर सचिव

New Delhi, the 21st October, 2010

S.O. 2857—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 83/2006) of the Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Jan Siksha Sansthan and their workmen, which was received by the Central Government on 21-10-2010.

[No. L-42025/13-2010-IR(DU)]

JOHAN TOPNO. Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present:- Shri Ved Prakash Gaur Presiding Officer

Dated the 31st day of August, 2010

Industrial Dispute L.C.No.83/2006

Between:

Sri M. Sarath Krishna,
S/o M.G.K. Murthy,
C/o M/s. Abhinand Kumar Shavili,
240-A, Brindavan Apartments,
Niloffer Hospital Road,
Red Hills, Hyderabad

...Petitioner

AND

1. The Secretary,
Department of Elemenatry Education & Literacy,
Ministry of Human Resource Development,
Government of India, New Delhi- 110001.
2. The Director General,
National Literacy Mission,
Department of Elemenatry Education & Literacy,
Ministry of Human Resource Development,
Government of India, New Delhi- 110001.
3. The Chairman,
The Board of Management,
Jan Sikshan Sansthan, Mallepalli ITI Campus,
Vijayanagar Colony, Hyderabad.
4. The Director,
Jan Sikshan Sansthan, Mallepali ITI Campus,
Vijayanagar Colony, Hydreabad

...Respondents

APPEARANCES:

For the Petitioner : M/s. Abhinand Kumar Shavili &
K. Srinivas Prasad, Advocates.

For the Respondent : M/s. P. Raveender Reddy,
Advocates for R1 & R2.

M/s Kanakamedala Ravindra
Kumar, K.V. Rajendra Prasad &
T.Tejeswara Rao, Advocates for R3
& R4.

AWARD

Petitioner Sri M. Sarath Krishna has filed this petition under Sec. 2A(2) of the I.D. Act, 1947 in light of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others challenging oral order of his termination dated 1-4-2006 as illegal, arbitrary and violative of principles of natural justice with prayer to quash the oral termination order and to reinstate him into service of the Respondent management.

2. It has been contended by the Petitioner in his claim statement after completing his intermediate, he was appointed as Receptionist in 3rd Respondent's organization on 1-10-2002, later on he was appointed in the post of Field Assistant on 8-6-2005. While discharging his duties he

never gave any scope or opportunity to anyone to doubt his integrity and devotion towards duty. Initially the Petitioner was paid a consolidated amount of Rs.3500 per month which was enhanced to Rs. 4000 from 1-04-2004, he was drawing consolidated salary of Rs.3500 per month on date of termination.

3. The Respondent Jan Sikshan Sansthan is a registered society set up as non-governmental organization and the affairs of the Jan Sikshan Sansthan is being looked after by Board of Management. The organization is funded by Government of India which issued guidelines from time to time for developing, planning and maintaining collaborations with the other institutions/agencies.

4. The Petitioner was appointed as Receptionist as per staff pattern fixed by Board of Management. The initial appointment was for period of 6 months on contract basis which was subsequently extended with a fresh contract from time to time, no written contract was entered into between the Petitioner and the management. The Petitioner has been working without any adverse remarks and the management has been paying EPF contribution in respect of the employees to the EPF organization. Inspecting Officer has visited the office of Jan Sikshan Sansthan in the month of December, 2005 who noted the number of employees working in Jan Sikshan Sansthan and issued a show cause notice to Jan Sikshan Sansthan for paying EPF contribution from the date of initial appointment of the employees. On the basis of the notice of EPF organization the Jan Sikshan Sansthan organization started making payment of EPF contribution for the month of December 2005 to March, 2006. Jan Sikshan Sansthan had not paid EPF organization for rest of the employees.

5. The workman has further submitted that without assigning any reason the Jan Sikshan Sansthan management has terminated services of the Petitioner workman without giving any reason or notice, which is fully arbitrary and illegal and violative of principles of natural justice. The Respondents are continuing the services of Sri J. Satyanarayana, Accountant who has misappropriated the fund of Jan Sikshan Sansthan, which would demonstrate that the Respondent are shielding corrupt employees and terminating the services of Petitioner like workers. It has further been contended in the claim statement that the entire staff of Jan Sikshan Sansthan is appointed on contract basis as per the guidelines issued by the Government of India. But Respondents are continuing the services of some of the employees without any break but terminating services of other employees without assigning any reasons which amounts to unfair labour practice. Petitioner workman had requested this tribunal by way of his claim statement that the oral termination order be declared as illegal and it be quashed and Petitioner be reinstated with back wages.

6. Respondent No.1 and 2 has filed joint counter statement through their Under Secretary Sri S.K. Ohri stating therein that activities of Jan Sikshan Sansthan which managed by Board of management which is a non governmental organization registered under Societies Registration Act. The staff of the Jan Sikshan Sansthan is appointed by its management and no employee has been appointed by the Government of India. The Government of India only releases annual recurring grant to conduct the programmes/activities, therefore the Jan Sikshan Sansthan is not instrumentality of the State. Jan Sikshan Sansthan is a voluntary organization, therefore the Government of India and Respondent No.1 and 2 should not have been arrayed as Respondents. The management of Jan Sikshan Sansthan is vested in a duly constituted Board of management which is policy making and supervisory body and they have the power to recruit and decide the service conditions including remunerations of employees. Government of India has nothing to do with these state of affairs.

7. Respondent No. 3 and 4 have also filed joint counter statement wherein they have stated that Jan Sikshan Sansthan is a registered society, the object of the society are mentioned in para (a) to (e) of the counter statement. They have further stated that the Petitioner is not maintainable under Sec. 2A(2) because the Petitioner's are not workmen. They have further alleged that the Petitioner was initially appointed for 6 months. He was taken into service purely on ad hoc basis without any fixed period. The EPF contribution of the Petitioner has been paid by the Respondent.

8. The contention of the Petitioner that their services were terminated orally w.e.f. 1-4-2006 is incorrect. The Respondent No. 3 and 4 has stated that Petitioner himself absconded from duty without assigning any reason or intimation to the office. The continuous absence of Petitioner from duties without intimation amount to misconduct as such, a notice was issued to the Petitioner calling upon him to report for duty, said notice was displayed on the notice board giving one week's time to report on duty. But Petitioner failed to report to duty even after expiry of the prescribed period. Thus, an enquiry was conducted and the services of the Petitioner were terminated. There is no illegality in terminating the services of the Petitioner. Respondent has followed due procedure of the law in terminating the services of the Petitioner. The Respondent has further challenged the allegation of the workman that the Respondents are dispensing with services of the one contract employee with that of another employee without any reason.

9. It has further been alleged that there is no complaint with regard to the functioning and activities of the society from any quarter. The entire working of the society has been in accordance with guidelines issued by Ministry of

Human Resource Development, Government of India. It has further been submitted that as per activities of organization there is no demand for affording another employee as there are already nine members in the staff for the working of the organization, it is sufficient to execute the programme of the organization. If any vacancy will arise in the future, notification will be given calling for application from the interested candidates. There is no subsistence in the claim statement, it is baseless and fit to be rejected and claim petition deserves to be dismissed.

10. Both the parties were directed to file their evidence to assess the legality or otherwise of the alleged termination order. Petitioner workman has filed his own affidavit in support of his claim statement and has marked 11 documents Ex.WI to WII in support of his claim. The workman has produced himself for cross-examination and was cross-examined by Respondents at length. From the side of Respondent Smt. T. Rajani Kumari, Incharge Director of Jan Sikshan Sansthan has filed her affidavit and she has produced herself for cross-examination. During course of cross-examination, she stated that an enquiry was conducted on 28-4-2006 in the matter of absence of the Petitioner from duty. She was directed to file the enquiry proceeding book, but she has not been able to file any enquiry proceeding book. However, she filed show cause notice written on a letter head of Jan Sikshan Sansthan addressed to Sri M. Sarath Krishna, the workman, xerox copy of letter dated 29-8-2006 addressed to Regional Provident Fund Commissioner regarding payment of PF arrears to six employees of Jan Sikshan Sansthan and xerox copy of combined challan account voucher.

11. I have heard Learned Counsel for Petitioner workman and that of Respondent No.2, 3 and 4. Respondents have also filed written argument through their counsel. In the present case this tribunal has to adjudicate the following points:

- (I) Whether the action of the management in terminating the services of the workman is arbitrary, illegal and violative of principles of natural justice.
- (II) Whether any departmental or domestic enquiry was conducted by the management following the principles of natural justice?
- (III) To what relief if any the Petitioner workman is entitled?

12. Point No. (I): It is admitted case of the parties that Petitioner Sri M. Sarath Krishna was appointed Receptionist in the organization of the management of Respondent No.3 and 4. It is also undisputed fact that Petitioner was terminated w.e.f. 1-4-2006. The question before this tribunal is to adjudicate whether the action of the management in

terminating the services of the Petitioner is illegal or arbitrary or violative of principles of natural justice or not. Workman has filed his affidavit wherein he has stated on oath that he was terminated by a oral order from 1-4-2006. Against this allegation of the workman the Incharge Director of the Respondent No.3 and 4 has contended that Petitioner himself absconded from the duty, therefore, notice was given to him to report for duty. Since he did not appear even after the due notice his services were terminated. The Petitioner in his cross examination stated that he was not absent from duty without any intimation in the month of March, 2006. This question was asked from the Petitioner during cross examination, "that he remained absent in the month of March, 2006." However, no such allegation was made by the Respondent while filing their counter statement before this tribunal. If the Petitioner was absent for entire month of March, 2006 this allegation should have been brought before the court through the counter statement filed by the Respondent No.3 and 4, because they were the supervisory authority and they were looking after the work of the workman concerned. But no such statement was made by the Respondent either through counter statement or through their affidavit filed before this tribunal. Thus, the suggestion given by the Respondent to the workman during the course of his cross examination has got no value and no credence can be given to such suggestion made by the Respondent. Not only that the workman has stated that his services were terminated by oral order and no notice was given to him. If any notice would have been given to the Petitioner then, the copy of such notice should have been served on Petitioner himself and a copy would have been preserved. But there is no allegation that copy of notice was served on Petitioner, if it is served on Petitioner what was the mode of service has not been disclosed by the Respondent who were duty bound to prove before this tribunal that notice was given to the Petitioner either to resume the duty or to show cause for non attendance to the duty. A copy is placed on the office file and alleged to have been placed on notice board. There is no mention in this notice that copy of this notice was given to the Petitioner workman. Displaying a copy of notice on the notice board itself is not a proper and sufficient service. That too without making any categorical statement either through the counter statement or through the affidavit filed in evidence by the Respondent No.3 and 4. The alleged show cause notice filed before this tribunal alleged to have been issued on 10-4-2006, appears to be doctored document because it is printed and typed and on a fresh and new paper. No attendance register has been produced by the Respondent to show that the workman remained absent during the month of March, 2006. It was the duty of the Respondent to prove that the workman was absent through out the month of March and he was responsible for his termination from service due to remaining absent without

any intimation or leave from the Respondent management. It is material question and its evidence must be available in the office of the Respondent, who have concealed material piece of evidence. They have simply stated that Petitioner himself has absconded, he was terminated through written order. How this termination order was served on the Petitioner is also a matter of doubt, because this termination order is typed on a fresh paper, it does not appear to be passed on 25-4-2006 but the entire typing and signature appear to be very fresh. Smt. T. Rajani Kumari appeared before this tribunal for cross examination who stated in her cross examination that she has sent notice of absconding on 20-4-2006 on the address of the Petitioner but there is no endorsement of the giving a copy to the Petitioner though there is endorsement in the order of termination, regarding marking of copy to the Petitioner, but there is no endorsement on the show cause notice that a copy of show cause notice was given to the Petitioner. However, MWI has stated that acknowledgement of the notice was not received in the office of the Respondent. In the next sentence, she has stated that she do not remember whether notice was sent to Petitioner through registered post or ordinary post. But it was displayed on the notice board. This shows that notice was neither sent by ordinary post nor through the registered post but alleged notice is a concocted document and after thought action of the management. MWI has stated that enquiry was ordered on 28-4-2006 however, she has not been able to produce the order regarding constitution of domestic enquiry as such, her statement to this effect can not be accepted. Though MWI has stated that enquiry notice was sent through the post, but no such enquiry notice has been filed nor any postal receipt has been filed by the management. This prove that the alleged written termination order filed by the Respondent management during course of the cross examination of the Respondent witness is a manufactured document prepared for the purpose of this case. It was a non existing document and the contention of the Petitioner appears to be correct that his services were terminated without any written order. Thus, action of management in terminating the services of the Petitioner who was appointed by written order is unfair labour practice and illegal and unsustainable in eye of law. Point No.1 is answered accordingly.

13. Point No. (II) : The Respondent has submitted that enquiry has been conducted on 28-4-2006 after giving notice to the Petitioner and he was further directed to attend the enquiry but she has not been able to file any such document or material before this tribunal which may go to show that any enquiry was ordered by the MWI or conducted by the management. If the enquiry was conducted who was the Enquiry Officer, what was the mode of enquiry and procedure of enquiry, this material fact has not been brought before this tribunal by the Respondent

management. Apart from this, Smt. T. Rajani Kumari, MWI has admitted in her cross-examination, (last sentence of page one of her cross-examination) that no formal charge-sheet was issued to the Petitioner only show cause notice was issued. She has stated that Petitioner was a temporary employee as such, no charge-sheet was issued to him. She has further stated that Enquiry Officer was appointed by her, but, who was the Enquiry Officer she could not explain. However, she has admitted that proceeding of appointing Enquiry Officer was not done because Petitioner was temporary employee. It proves that unfair labour practice and violation of provisions of Industrial Disputes Act, 1947 has been committed in this case, if an enquiry was conducted then Enquiry Officer should have been appointed, in that case, name of the Enquiry Officer, place and time of hearing of the enquiry proceeding has to be intimated to the delinquent employee, which has not been done in the present case. However, Smt. T. Rajani Kumari, MWI has stated that she do not remember the name of the Enquiry Officer. In the next sentence she has stated that there was enquiry report, she has not filed the enquiry report before this tribunal. If any enquiry report was prepared in this case, the Respondent is duty bound to file the same before this tribunal. Non-production of enquiry report and proceeding paper before this tribunal give an adverse impact on the functioning of the Respondent and it amounts to the infringement and non compliance of the principles of natural justice. Smt T. Rajani Kumari has further stated that based on the enquiry report Petitioner's services were terminated by order dated 25-4-2006 on basis of enquiry report but enquiry itself was ordered on 28-4-2006 thus, statement of Smt. T. Rajani Kumari given before this tribunal that enquiry was conducted on 28-4-2006 is incorrect and false. If enquiry was conducted on 28-4-2006, the order of termination could not have been passed on 25-4-2006 on the basis of enquiry report which was ordered on a latter date thus, the contention of the Respondent that she has passed a written termination order basing on the enquiry report of the Enquiry Officer is totally false and she is a truth less and unreliable witness. It appears that no enquiry was conducted and Petitioner was terminated without any order. Thus, the manner in which the services of the Petitioner has been terminated in unjustifiable, illegal and it amounts to unfair labour practice and violative of principles of natural justice. The entire action of the management is wholly illegal and unjustifiable. No enquiry was conducted in the present case and if alleged to have been conducted, the principles of natural justice has been completely violated in the present case. Point No.II is decided accordingly.

14. **Point No.(III):** From the discussion of point Nos. (I) and (II) this tribunal has come to the conclusion that no enquiry was conducted in the matter of present Petitioner, no termination order was passed as alleged by the

Respondent though Petitioner was appointed by a written order. He could not have been terminated by oral order. The absence of Petitioner from duty has also not been proved nor absconding of the Petitioner has been proved by the Respondent. The termination of services of the Petitioner through oral order is wholly arbitrary, unjustifiable, illegal and violative of principles of natural justice and it deserves to be quashed, it is being quashed. Petitioner deserves to be reinstated in the service but without back wages. Respondent is directed to reinstate the Petitioner in the service on the same post with same wage within two months from the date of publication of this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 31st day of August, 2010.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WWI: Sri. M. Sarath Krishna	MWI: Smt. T. Rajani Kumari

Documents marked for the Petitioner

- Ex.W1: Copy showing scheme of Jan Sikshan Sansthan which runs in 84 pages.
- Ex.W2: Copy of scheme of State Bank of India Saving Scheme for safety growth liquidity paper No.85 which runs to 12 pages.
- Ex.W3: Copy of salary certificate dt. 24-08-2004.
- Ex.W4: Copy of minutes of meeting of Jan Sikshan Sansthan dt. 8-6-2005.
- Ex.W5: Copy of statement showing employee wise emolument statement paper No.103.
- Ex.W6: Copy of complaint paper.
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- Ex.W8: Copy of inspection report of the office of PFEO dt. 23-12-2005.
- Ex.W9: Copy of note for payment of PF arrears submitted to Vice Chairman, JSS, Hyderabad.
- Ex.W10: Copy of representation to Chairman.
- Ex.W11: Copy of agenda notes for BOM meeting.

Documents marked for the Respondent

NIL.

नई दिल्ली, 21 अक्टूबर, 2010

का.आ. 2858.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरदर्शन केन्द्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 23/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-2010 को प्राप्त हुआ था।

[सं. एल-42011/67/2009-आईआर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 21st October, 2010

S.O. 2858.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 23/2010) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Doordarshan Kendra and their workmen, which was received by the Central Government on 21-10-2010.

[No. L-42011/67/2009-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NO. 1. KARKARDOOMA COURT COMPLEX, DELHI**

I.D. No. 23/2010

Shri Harbans Singh C/o
Janvadi General Kamgar Mazdoor Union,
C/o Room No. 95, Barracks No. 1/10
Jam Nagar House,
Shahjahan Road,
New Delhi - 110011

...Workman

Versus

The Director General,
Doordarshan Kendra,
Mandi House,
New Delhi - 110001

...Management

AWARD

A Carpenter was engaged on casual basis by Doordarshan Kendra, Mandi House, New Delhi (in short the Doordarshan) on 17th of September, 1981. At the time of his engagement, he was 32 years and two months old. He belongs to Scheduled Caste category. He rendered 70 days service in 1981, 152 days in 1982, 45 days in 1983, 55 days in 1984, 160 days in 1985, 50 days in 1986, 175 days in 1987, 197 days in 1988, 75 days in 1989, 215 days in 1990 and 197 days service in 1991. On 9th of June, 1992, a regularization scheme was formulated by the Doordarshan,

in pursuance of judgement passed by the Apex Court in Surrender Singh's case [1986 (1) S.C.C. 632] and Central Administrative Tribunal Principle Bench, New Delhi, in Anil Kumar Mathur (O.A. No. 563 of 1986 decided on 14th of February, 1992). Case of that Carpenter was considered by the Doordarshan for regularization and he was found ineligible, being over age. Another scheme of regularization was formulated by the Doordarshan on 17-3-94 in which scheme also he was found not eligible for regularization. However, Gurdial Singh, who was Junior to that Carpenter was regularized in service w.e.f 10th of January, 1993. Though the said Carpenter was not regularized in service, yet he was engaged on casual basis by the Doordarshan, till 13th of March, 2009 the date when he reached the age of superannuation. After reaching the age of superannuation, he approached Janvadi General Kamgar Mazdoor Union (Regd.) (in short the Union) for redressal of his grievances, relating to non regularization of his services. The Union raised an industrial dispute before the Conciliation Officer in March, 2009. Since the conciliation proceedings failed the appropriate Government referred the dispute to this Tribunal for adjudication vide Order No. L-42011/67/2009-IR (DU), New Delhi dated 8-2-2010, with following terms of reference:—

“Whether the demand of the Janvadi General Kamgar Mazdoor Union for regularization of services of Shri Harbans Singh as Carpenter by the management of Director General, Doordarshan, is legal and justified? If yes, what relief the workman is entitled and from which date?”

2. Claim statement was filed by the Union on behalf of Shri Harbans Singh pleading therein that the claimant was initially employed as Carpenter by the Doordarshan, on 17-9-81. His name appears at Sl. No. 2 of the list prepared for regularization by the Doordarshan. Service of the claimant were not regularized. However, Shri Gurdial Singh, who was junior to the claimant, was regularized w.e.f 10-1-93. Subsequently, all juniors to the claimant were regularized, but services of the claimant were never regularized. The claimant performed more than 27 years of services with the Doordarshan. He superannuated from service on 13-3-2009, but pensionary benefits were not granted to him. He belongs to scheduled caste community and entitled for age relaxation as per Government of India directions, issued from time to time. At the time of his initial engagement, there were no recruitment rules for regular appointment to the post of Carpenter. Doordarshan had not allowed age relaxation to Harbans Singh. He is entitled for age relaxation for regularization of service in terms of office memorandum No. 49014/2/86-1stt. (c) dated 7th of June, 1998 issued by Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension, Government of India, New Delhi. He was also entitled for relaxation of age in terms of U.O. No. 49/109 94-SI, dated 5-12-94. No such relaxation in age was granted to him, when his case for regularisation was considered. It has been claimed that Harbans Singh is entitled for

regularization of his service w.e.f. 10-1-93, the date when his juniors were regularized. A prayer has been made that an award may be passed regularizing his services w.e.f. 10-1-93 with all consequential benefits, including pensionary benefits in his favour.

3. Claim was demurred by the Doordarshan pleading that this Tribunal has no jurisdiction to entertain it, in view of the provisions of section 29 of the Administrative Tribunal Act, 1985 (in short the Tribunals Act). It has been pleaded that the claimant worked with the Doordarshan on assignment basis, hence he cannot claim regularization of his services, unless covered under the scheme of regularization. His case was considered on sympathetic grounds under the schemes of 1992 and 1994 but he was not found ineligible for regularization, being overage. Claimant had reached the age of 60 years and filed the claim thereafter, which is beyond limitation. It has not been disputed that he was initially engaged on 1-4-84 as a Carpenter on assignment basis. He was overage at the time of his initial engagement, hence not covered under any of the scheme of the regularisation, formulated by the Doordarshan. Since the claimant was overage, his claim for regularization of service was not equated with the case of Shri Gurdial Singh. His claim is liable to be dismissed.

4. Facts pleaded by the parties were not in dispute. Shri B. K. Prasad, authorised representative, made a statement that claimant does not want to lead any evidence. Ms. Radha Yadav, authorised representative, also made a statement that there was no necessity for the Doordarshan, also to lead any evidence in the matter.

5. Arguments were heard at the bar. Shri B. K. Prasad, authorised representative, advanced arguments on behalf of the claimant. Ms. Radha Yadav, authorised representative, raised her submissions on behalf of the Doordarshan. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows:

6. First and foremost contention advanced by Ms. Radha Yadav is that this Tribunal lacks jurisdiction to entertain the claim statement. In view of the provisions of section 28 of the Tribunals Act. She agitates that for want of jurisdiction, the Tribunal cannot enter into the merits of the controversy. The Tribunal is obliged to dismiss the claim at the thresh-hold. Contra to it Shri Prasad argued that the Tribunal has jurisdiction to entertain the claim statement since the claimant, being a workman has every right to invoke jurisdiction of this Tribunal under the provisions of Industrial Disputes Act, 1947 (in short the Act).

7. Since an issue has been raised by the Doordarshan, it is expedient to construe provisions of section 28 of the Tribunals Act, which is reproduced thus :

“28. Exclusion of jurisdiction of courts except the Supreme Court under Article 136 of the Constitution. On and from the date from which any jurisdiction, powers and authority becomes exercisable under this Act by a Tribunal in relation to recruitment and matters concerning recruitment to any service or post or service matters concerning members of any service or persons appointed to any service or post, No Court-except

(a) the Supreme Court or

(b) any Industrial Tribunal, Labour Court or other authority constituted under the Industrial Disputes Act, 1947 or any other corresponding law for the time being in force.

shall have or be entitled to exercise any jurisdiction, powers or authority in relation to such recruitment or matters concerning such recruitment or such service matters.”

8. The Parliament while investing Central Administrative Tribunal with necessary jurisdiction, power and authority that the courts and other authorities in the country except the Supreme Court, Industrial Tribunal, Labour Court, and other authorities constituted under the Act had in those matters. Both Central Administrative Tribunal and Industrial Tribunal have jurisdiction to deal with the disputes, if they relate to a public servant referred to in section 14 (1) of the Tribunals Act, provided such public servant is also workman within the meaning of the Act. The choice is left with such workman of invoking jurisdiction of either forum constituted under the Act or under the Tribunals Act. Therefore, one additional forum redressal of the grievance that is Industrial Tribunal, besides the Central Administrative Tribunal has been provided. Remedy available under the Act is not equivalent remedy to one available under the Tribunals Act. Concurrent jurisdiction to adjudicate into service matters had been confirmed on Central Administrative Tribunal alongwith the Industrial Tribunal and Labour Courts. Therefore it would not be correct to say that a workman can not approach the Industrial Tribunal. He may approach either the Industrial Tribunal or the Central Administrative Tribunal for redressal of his grievances. Therefore, this Tribunal is competent to exercise its jurisdiction since it had concurrent jurisdiction with the Central Administrative Tribunal to entertain the matter of a workman. Contention advanced by the Doordarshan is unfounded. Same is therefore, discarded.

9. Now, I would enter into the facts of the controversy. Ministry of Information and Broadcasting, Government of India, New Delhi, formulated the Doordarshan programme (Technicians/Group “C” posts) Recruitment Rules, 1987 (hereinafter referred to as the Rules), which were notified in the Gazette on 13-10-1987.

As per the Rules referred above for appointment to the post of a Carpenter, one should be 8th standard pass and between 18 and 25 years of age. However, relaxation of age limit as applicable to candidates belonging to scheduled cast, scheduled tribes, ex-serviceman and other special categories of persons, issued by the Central Government from time to time was to apply in that regard. As projected the claimant was matriculate whose date of birth is 1st of February, 1949. He was engaged as Carpenter on assignment basis on 1st of April, 1981. Therefore on the date of his initial engagement, he was 32 years and two months old. Age relaxation for a period of five years is available to a scheduled caste candidate. Consequently on the date of his initial engagement, he was overage by two years and two months.

10. Whether the Doordarshan, could engage the claimant on assignment basis, who was overage on the date of his initial engagement? Answer of this proposition is available in OM No. F. No. 49014/2/86 - Estt (c) dated 7th of June, 1988 issued by Department of Personnel and Training, Ministry of Personnel, Public Grievance and Pension, Government of India, New Delhi. In that office memorandum policy regarding engagement of casual workers in Central Government offices was reviewed, in view of the judgement of the Apex Court in *Surender Singh's* case (supra). Besides other factors detailed therein, it has been prescribed that regularization of services of casual worker will continue to be governed by the instructions issued by Department of Personnel and Training in that regard. While considering such regularization, a casual worker may be given relaxation in upper age limit only if at the time of initial recruitment as a casual worker he has not crossed upper age limit for the relevant post. Therefore, it is evident that in the matter of recruitment of casual worker, the Government may employ a person who has crossed the upper age limit on the date of his initial engagement. However his regularization is not permissible. If the Government wants to made a departure from the instructions referred above, for the purpose of his regularization, prior concurrence of Ministry of Finance and Department of Personnel and Training is to be obtained. Therefore, it is evident that the engagement of the claimant as a Carpenter on assignment basis is permissible under the Rules, even if he has crossed upper age limit on the date of his initial engagement. However, he was not eligible for regularization of his services. In case Doordarshan intended to regularize his services prior concurrence of Ministry of Finance and Department of Personnel and Training was expedient. The Doordarshan never wanted to deviate from those instructions. Hence there was no occasion to obtain prior concurrence of Ministry of Finance and Department of Personnel and Training. Consequently regularization of the claimant in service was not permissible under the instructions referred above.

11. Claimant rendered 70 days service in 1981, 152 days service in 1982, 45 days in 1983, 55 days in 1984, 160 days in 1985, 50 days in 1986, 175 days in 1987, 197 days in 1988, 75 days in 1989, 215 days in 1990 and 197 days service in 1991. Doordarshan formulated a scheme for regularization of its casual staff on 9-8-1992. The said scheme was applicable to all those casual artists who were employed on 31-12-91, provided they were engaged for aggregate period of 120 days in a calendar year. The broken period in between the engagement and disengagement was to be ignored for the purpose of regularization. The number of days were to be computed on the basis of actual working days in the muster roll or attendance sheet or Q sheets. The upper age limit was to be relaxed to the extent of service rendered by a casual artist at the time of his regularization. A minimum of 120 days service in aggregate, in one year, was to be treated as one year service rendered for that purpose. The service rendered for less than 120 days in a year was not to qualify for age relaxation. Case of claimant was considered under the said scheme for the purpose of regularization. On 9-6-92, his age was 43 years four months and 8 days. As detailed above, he rendered 120 days service in 1982, 1985, 1987, 1988, 1990 and 1991. Thus he rendered 120 days service in six years prior to 1992. In 1992 he rendered more than 120 days service prior to 9th of June, 92. Thus he rendered 7 years complete service (120 days service in those calendar years) for which he was given age relaxation. By granting age relaxation, as applicable to a candidate of scheduled caste category and 7 years relaxation for 120 days service in those years, the claimant had not reached that stage where he could be said within the maxima of age prescribed for the post. Since he was above the maxima of age on the date of his initial engagement, he could not become eligible on any subsequent date, as far as age eligibility was concerned. therefore, he was found to be overage. The management never opted to deviate from the office memorandum, issued by Department of Personnel and Training on 7th of June, 1988.

12. On 17th of March, 94, second scheme of regularisation of casual staff artist was formulated by the Doordarshan. In the said scheme the number of days were to be computed on the basis of formula, provided in scheme dated 9-6-92 for the purpose of regularization. Therefore in 1992 the claimant could not reach within the maxima of age limit prescribed for recruitment to the post of Carpenter. The Doordarshan opted not to regularise services of the claimant and their actions cannot be termed as unjustified or illegal. In the same manner a scheme was formulated on 13-5-97 to regularize casual artists working with the Doordarshan, who could not be regularized for want of vacancies. In that scheme too, relaxation of age for number of years an employee had worked on assignment basis was to be computed as per formula provided in scheme dated 9-6-92. Therefore according that scheme too

the claimant was not eligible for regularization of his services. Action of the management is found to be legal and justified in that regard too.

13. Claimant asserts that Gurdyal Singh, his junior was regularized on 10-1-93. He claims that since his junior has been regularized he is also entitled for regularisation of his services from 10-1-1993. Doordarshan projects that though Shri Gurdyal Singh was junior to the claimant, yet he was within the prescribed age limit. Hence his case was considered for regularization. Since the claimant was overage his case could not be considered for regularization in service.

14. Whether the claimant has been discriminated? For an answer constitutional provisions are to be considered. Equality before law and equal protection of laws are fundamental rights of every person, ordains Article 14 of the Constitution. The guiding principles laid in Article 14 are that persons, who are similarly situated shall be treated alike both in privileges conferred and liability imposed which means that amongst equals the law should be equal and should be equally administered and that like should be treated alike. Article 16 of the Constitution guarantees equally of opportunities for all citizens in matters relating to employment or appointment to any office under the State. What is guaranteed is the equality of opportunity. Like all other employers government is also entitled to pick and choose from amongst a large number of candidates offering themselves for employment. But the selection process must not be arbitrary. The guarantee given by clause (a) of Article 16 of the Constitution will cover (a) initial appointments (b) promotions (c) termination of employment (d) and matters relating to salary periodical increments, leaves, gratuity, pension, age of superannuation etc. Matters relating to employment or appointments include all matters in relations to employment both prior and subsequent to the employment which are incidental to the employment and form part of the terms and conditions of such employment.

15. Fundamental rights guaranteed by Article 14 forbids class legislation, but does not forbid classification or differentiation which rests upon reasonable ground of discretion. Classification is the recognition of the relations and in making it the government must be allowed a wide latitude of discretion and judgment. In a way the consequences of such classification would undoubtedly be to differentiate persons belonging to that class from others. The classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and the differentia must have a rational relation to the object sought to be achieved. Classification may be made according to the nature of persons, nature of business and may be based with reference to time.

16. Concept of equality guaranteed by Article 16 of the Constitution is something more than formal equality

and enables the underprivileged groups to have a fair share by having more than equal chance and enables the state to give favoured treatment to those groups by achieving real equality with reference to social needs. 'Protection discrimination' enabled the state to adopt new strategy to bring underprivileged at par with the rest of the society, by providing all possible opportunities and incentives to them. Therefore a class may be allowed to have preferential treatment in the matter relating to employment or appointment. There cannot be rule of equality between members of separate and independent group of persons. Persons can be classified in different groups based on in terms of nature of persons nature of business and with reference to time.

17. It is not a disputed fact that Gurdyal Singh was within age limit when his case was considered under scheme of June 1992, for regularization. The claimant was overage. Therefore as far as upper age limit which was required for regularization as Carpenter in service of Doordarshan, claimant stood on a different and distinct pedestal than Gurdyal Singh. Doordarshan was competent to categorise persons based on age limit. Consequently it is evident that the claimant was not falling in the bracket in which Gurdyal Singh was placed. He cannot claim parity with Gurdyal Singh. He was not at all discriminated than Gurdyal Singh since Gurdyal Singh was in different group than the claimant. Therefore, it is not a case where fundamental rights of equality available to the claimant were denied to him.

18. In view of the above reasons it is evident that Harbans Singh could not be considered for regularization in service since he was overage at the time of his initial engagement as well as to when aforesaid schemes were formulated and implemented by the Doordarshan. Action of the Doordarshan in not regularizing his service as Carpenter is legal and justified. Demand of the union for regularization of service of Shri Harbans Singh is neither legal nor justified. Precedent in Bal Kishan (1990 (1) LLJ 61), Santosh Kumar (1988 (1) LLJ 817) and Devender Singh (L.P.A. No. 13/2008 decided by High Court of Delhi on 12th of February, 2008) nowhere being accolades for the claimant. Claim statement is liable to be discarded, hence it is discarded. An award is accordingly passed. It be sent to the appropriate Government for publication.

Dated: 30-9-2010

Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2010

का.आ. 2859.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑल इंडिया रेडियो के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.1, नई दिल्ली के पंचाट (संदर्भ संख्या 14/2009) को

प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-2010 को प्राप्त हुआ था।

[सं. एल-42011/38/97-आईआर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 21st October, 2010

S.O. 2859.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.14/2009) of the Central Government Industrial Tribunal-cum-Labour Court, No.1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of All India Radio and their workmen, which was received by the Central Government on 21-10-2010.

[No. L-42011/38/97-IR (DU)]

JOHAN TOPON, Under Secy.

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NO.1 KARKARDOOMA COURT COMPLEX, DELHI
I.D.NO. 14/2009**

Shri Ram Charan Singh through General Secretary,
Delhi Labour Union,
Aggrawal Bhavan,
G. T. Karnal Road,
Tis Hazari,
Delhi - 110054

Workman

Versus

The Director,
All India Radio (Akashwani & Doordarshan),
C. E. (N.Z.) Jamnagar House,
New Delhi - 110001

Management

AWARD

Ram Charan Singh approached this Tribunal with a claim for reinstatement of his service with All India Radio and Doordarshan (hereinafter referred to as the management) when the appropriate Government had referred a dispute for adjudication vide order No. L-42011/38/97-IR (DU) dated 28th May, 98. He agitated that he joined services with the management as a labour on 27-11-95. His services were dispensed with on 16-8-96 in an arbitrary and illegal manner. Despite opportunity the management failed to file written statement. Ram Charan Singh tendered his affidavit as evidence, which was appreciated and relied by this Tribunal. His claim was granted, vide award dated 21-3-2001 and the Tribunal commanded that he was entitled for reinstatement in service with continuity and full back wages. The award so passed was unsuccessfully assailed by the management before the single judge as well as Division Bench of High

Court of Delhi. Ultimately the management was constrained to reinstate services of Ram Charan Singh, in pursuance of missives given in the award. After reinstatement of his service he raised a demand for regularization of his services. His demand was espoused by Delhi Labour Union (in short the Union), who filed a claim before the Conciliation Officer. Since conciliation proceedings failed, appropriate Government referred the dispute to this Tribunal vide order No. L-42011/62/2008-IR (DU) dated 10-2-2009, with following terms:

“Whether the demand of Delhi Labour Union for regularization of services of Shri Ram Charan Singh by the management of All India Radio w.e.f. 27-11-95 is legal and justified? If yes, what relief the workman is entitled to?”

2. Claim statement was filed by the Union pleading that Ram Charan Singh joined service of the management as labour on 27-11-95. He was treated as a muster roll employee and paid minimum wages revised from time to time. His counter-parts doing identical work and treated regular employees, were being paid salary in proper pay scales, besides allowances. His services were terminated on 16-8-96 without assigning any valid reason. He raised an industrial dispute, which was referred for adjudication to this Tribunal. Award dated 21-3-2001 was passed declaring that he was entitled for reinstatement in service with continuity and full back wages. The management assailed that award and lost before the single judge as well as Division Bench of High Court of Delhi. When award became final, he was allowed to join his duties by the management in June, 2006. He is entitled to be made permanent employee of the management. Non regularization of his service is illegal, unjust, mala fide and amounts to unfair labour practice. The job, against which he is working is of permanent and regular in nature. Regular employees are getting wages higher than him. He gets status of a regular employee on completion of 90 days of continuous service, as provided in model standing orders framed under Industrial Employment (Standing Orders) Act, 1946. Action of the management in not treating him regular and paying him less wages than regular employees of his category amounts to discrimination. His juniors have been regularized in service. It has been claimed that the management may be directed to regularize his services w.e.f. 27-11-85 and difference of salary on the principle of equal pay for equal work may be accorded to him.

3. Claim was demurred pleading that at no point of time the claimant was engaged by the management. There had been no employer and employee relationship between the claimant and the management. He approached this Tribunal in first round of litigation in 1998 and an award was passed in his favour on 21-3-2001. The said award was unsuccessfully assailed before single judge and Division Bench of the High Court of Delhi. When award became final management had to engage the claimant in terms of

directions contained in the award. It has been projected that mere completion of 240 days in service nowhere ripens into a claim for regularization in Government service. He is not entitled for regularization of his services or any other relief claimed by him. His claim statement, being devoid of merits, may be dismissed.

4. Ram Charan Singh tendered his addidavit as evidence besides some documents. He was cross examined at length on behalf of the management. Shri S. K. Meena (MW1) and Sunjeev Khosla (MW2) tendered their affidavits as evidence on behalf of the management. They were cross examined at length on behalf of the claimant. No other witness was examined by either of the parties.

5. Arguments were heard at the bar. Shri Mohd. Farrukh, authorised representative, advanced arguments on behalf of the claimant. Shri S. M. Arif, authorised representative, raised her submissions on behalf of the management. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows:

6. Shri S. K. Meena swear in his affidavit that at no point of time the claimant was engaged by the management for the job alleged to have been performed by him. There had been no employer and employee relationship between the claimant and the management. However, claimant earlier approached this Tribunal when industrial dispute No. 136 of 98 was referred to it for adjudication by the appropriate Government. The said dispute was answered in favour of the claimant vide Award dated 21-3-2001, placing reliance on his uncontroverted affidavit. The award was unsuccessfully assailed before the single judge and the Division Bench of Delhi High Court. When management failed to assail the award, claimant was taken on duty under forced circumstances. In the same manner Shri Sanjeev Khosla swears in his affidavit Ex.MW2/A that at no point of time claimant was engaged by the management for job alleged to have been performed by him. There had been no relationship of employer and employee between the claimant and the management. He also reproduced the story of industrial dispute being answered in favour of the claimant and attempt of the management to assail the award before the single judge and the Division Bench of the High Court. He projects that in terms of the directions given by this Tribunal in its award the claimant was engaged as a casual labour.

7. Whether the management can be permitted to re-agitate the issues which were adjudicated by this Tribunal vide its award dated 21-3-2001? Although entire Code of Civil Procedure, 1908 (in short the Code) is not applicable to an industrial adjudication, yet principles of res-judicata laid down under Section 11 of the Code are applicable wherever possible. In *Straw Board Manufacturing Company Ltd.* (1974 (1) LLJ 499) the Apex Court observed:

“This is so since multiplicity of litigation, agitation and re-agitation of the same dispute at issue between the same employer and his employees will not be conducive to industrial peace which is principle object of all labour legislation bearing on industrial adjudication but in holding that the principles of res-judicata is applicable to a particular case, operating consideration is whether a matter in dispute in a subsequent case had earlier been directly and substantially in issue between the same parties and the same has been heard and fully decided by the Tribunal. The earlier question of issue must be relevant and german in determining question of res-judicata in subsequent proceedings. The real character of the controversy between the parties is the determining factor and in complex and manifold one relation between the labour and capital giving rise to diverse kind of ruptures of varying nuances no cast iron rule can be laid down. Some distinction of whatever shade of magnitude may have to be borne in mind in compliance of the principles of res-judicata in industrial adjudication in contravention to civil proceedings.”

8. In *Hindustan Liver Ltd.* (1984 Lab. I. C. 276) the Apex Court laid that “though this is highly technical concept of civil justice may be kept in precise confined limits in the field of industrial adjudication which must as far as possible be kept free from such technicalities which thwart resolution of industrial disputes, it can safely be said that principle analogous to res-judicate can be availed of to scuttle any attempt at raising industrial disputes repeatedly in defiance of operative settlements and awards.”

9. In *Punjab Cooperative Bank Ltd.* (1975 (II) L.L.J 373) the Apex Court upheld the validity of the application of principles of res-judicata to an issue raised in subsequent proceedings under Section 33 (C) (2) of the Act which had already been decided by a competent labour court in that regard in earlier industrial dispute. In *Bombay Gas Company Ltd.* (1975 (II) LLJ 345) the Apex Court had gone to the extent of even applying principles of constructive res-judicata. Justice Alagiriswami, speaking for the court, observed:

“The doctrine of res-judicata is a wholesome one which is applicable not merely to matters covered by the provisions of the Code of Civil Procedure but to all litigations. It proceeds on the principle that there should be no unnecessary litigation and whatever claims and defences are open to parties should all be put forward at the same time, provided no confusion is likely to arise by so putting forward all such claims.”

10. In *Mumbai Kamgar Sabha* [1976 (II) LLJ 186], commenting on the above case, Justice Krishna Iyer

observed that, "it is clear law, so long as the above rulings stands that industrial litigation is no exception to the general principle underlying the doctrine of res-judicata". The court entertained a doubt about, "the extension of the sophisticated doctrine of constructive res-judicata to industrial law which is governed by special methodology of conciliation, adjudication and considerations of peaceful industrial relations, where collective bargaining and pragmatic justice claim precedence over formalised rules of decision based on individual contests, specific causes of action and findings on particular issues," but Bombay Gas Company Ltd. case (supra) was distinguished on the basis of the observations in that case that "If the workers are dis-satisfied with any of the items in respect of which their claim has been rejected, it is open to them to raise a fresh dispute." This observation was interpreted to mean that "if a fresh dispute had been raised after terminating a prior award no bar of res-judicata could have been urged". For the purpose of attracting principles of res-judicata the issue in the two proceedings must be common. The real character of controversy between the parties is the determining factor. An award relating to termination of services of a workman, after being given the effect to, does not impose any continuing obligation on the workman or the employer. The award, therefore, becomes final and shall not cease to be operative after lapse of one year. It cannot be terminated by a notice under sub section (6) of Section 19 of the Act. That dispute cannot be referred to adjudication subsequently. The principles of res-judicata as enunciated in *Burn & Company Ltd.* [1957 (1) LLJ 226] would apply to such a case with full force.

11. As detailed above Shri S. K. Meena and Shri Sanjeev Khosla agitate that the claimant was not engaged by the management at any point of time for the job alleged to have been performed by him. There was no relationship of employer and employee between the parties. They further agitate that the claimant approached this Tribunal with an industrial dispute being I.D. No.136 of 1998, which dispute was adjudicated, vide award dated 21-3-2001. The award was unsuccessfully assailed before the single judge and Division Bench of the High Court and as such the management was constrained to take the claimant on duty under forced circumstances. Therefore, out of those facts, it is emerging that the management is re-agitating the issue to the effect that the claimant was not engaged by it for the job alleged to have been performed by him. Award Ex.WW1/5 proved by the claimant when scanned bring it to light that an issue was referred for adjudication as to whether action of the management in terminating the services of Ram Charan Singh w.e.f. 16-8-96 was just fair and legal if not to what relief claimant was entitled to. For adjudication of those issues claimant projected that he joined services under the management w.e.f. 27-11-95 as labour. He was paid wages less than minimum wages revised from time to time. His services were terminated 16-8-96. Therefore, it is obvious that the claimant raised issues of his engagement

by the management as a labour on 27-11-95 and termination of his services in an illegal manner on 16-8-96. These issues were answered in favour of the claimant and he was ordered to be reinstated in services of the management with continuity and full back wages, vide award referred above. Consequently it is evident that the issues which the witnesses want to raise now, were agitated before this Tribunal in first round of litigation which was lost by the management. Award Ex.WW1/5 has become final. The management cannot be permitted to re-agitate those issues by way of application of principles of res-judicata. Therefore the evidence of Shri Meena and Shri Khosla on above facts are discarded and management is not permitted to reopen those very issues which were adjudicated by this Tribunal vide award Ex.WW1/5.

12. Claimant deposes that when management lost writ petitions it issued order dated 8-6-2006, which is Ex.WW1/7. When perused it emerge out of the order Ex.WW1/7 that Ram Charan Singh was reinstated in service in compliance of the award dated 21-3-2001. He was directed to report for duty on any working day at 9.30 AM before 15-6-2006. Ram Charan Singh joined his duties on 8-6-06 itself and submitted his joining report Ex.WW1/8 in that regard. Therefore, it is emerging over the record that Ram Charan Singh succeeds to project that he is in the services of the management since 27-11-95. He unfolds that his juniors have been regularized in service. S Shri Harish, Mukesh, Dashrath, Ramesh and Sham Lal were working with him. A few of them joined services after him while a few of them joined services alongwith him. Shri Sham Lal and Ramesh joined services after him. Shri S. K. Meena concedes, during the course of his cross examination that job performed by the claimant is of perennial in nature. However confidential documents/files are not placed in his hands. No regular employee is working in the category in which claimant is working. Group "D" employees are there who were appointed in permanent capacity. Shri Sanjeev Khosla projects that Ram Charan Singh, Ramesh Kumar and Narinder Kumar were engaged by the management on account of orders passed by the Courts/Tribunals.

13. Canvassing facts Shri Farrukh argued that the claimant has been working with the management since 1995 who is under an obligation to regularize his services. He projects that the Act imposes an obligation on the management not keep an employee as temporary or to continue him as such for years with an object to deprive him status and privilege of permanent employee. He agitates that entry 10 to Fifth schedule of the Act makes such an effort of the management "unfair labour practice" which has been prohibited and made penal on the strength of section 25-T and 25-U of the Act respectively. Since there is an obligation on the management to make an employee regular and permanent, which obligation has not been performed qua the claimant, he is entitled for an award

in that regard. Shri Arif agitates that since no permanent post is available with the management this Tribunal cannot order creation of new post and then to order management to regularize services of the claimant.

14. To appreciate rival submissions on the issue it would be expedient to ascertain as to whether the claimant entered service of the management in consonance with recruitment rules. Award Ex. WW1/5 would throw light on that issue. The Tribunal details therein that the claimant projects to have joined services of the management on 27-11-95 as labour. He was being treated as muster roll worker. He was paid wages much less than the minimum wages revised from time to time. He was drawing wages @ Rs.1200 PM while his counter-parts, doing identical works and treated as regular employees were paid salaries in pay scale of Rs.750-940 with usual allowances. The Tribunal further details that the claimant asserted that he was performing job of regular and permanent nature. The facts so detailed were re-affirmed by the claimant in his affidavit filed as evidence. Therefore, it is evident that the claimant joined job as a labour on muster roll. He was treated as a casual employee. He nowhere asserts that he was engaged in consonance with recruitment rules, on a regular post. Recruitment of the claimant was on casual basis, for which he was paid a fixed wages of Rs.1200 PM. No case was projected that at the time of his engagement vacancies were advertised for public at large, he made an application in response to that advertisement, interview was held and thereafter he was selected on the post of a labour. No case was projected that reservation policy was followed. Consequently it is emerging out of award Ex. WW1/5 that engagement of the claimant was not against any regular or permanent post and that too in consonance with recruitment rules.

15. Whether the Government can engage an employee for casual jobs? Answer has been provided by O.M.No.49014/2/86-Estt (C) dated 7th of June 1988 issued by Department of Personnel and Training, Ministry of Personnel Public Grievances and Pensions, Government of India, New Delhi. In that office memorandum policy regarding engagement of casual workers was revised by the Government in view of the judgment handed down by the Apex Court in Surender Singh's case [1986 (1) SCC 632]. The said office memorandum projects that persons on daily wages should not be recruited for work of regular nature. Recruitment of daily wage may be made only for work which is of casual or intermittent nature or for work which is not of full time nature, for which regular post cannot be created. In matter of regularization of a casual worker instructions issued by Department of Personnel and Training would be taken into account. While considering such regularization a casual worker may be given relaxation in upper age limit only if at the time of initial recruitment he had not crossed upper age limit for the relevant post. The memorandum went on to provide

that all eligible casual workers should be adjusted against regular post to the extent such regular posts are justified. The rest of casual workers whose retention is absolutely necessary should be paid emoluments in accordance with the guidelines. The remaining casual workers should be discharged from service. Therefore it is evident that the casual workers who had not crossed upper age limit at the time of his initial engagement can be absorbed in post if a vacancy exists for him. When there is absolute necessity to retain a casual worker for whom no regular post exists he is to be paid in accordance with the guidelines contained in the office memorandum while others are to be discharged. Therefore right of the Government to engage a casual worker in exigencies has been recognized by the aforesaid office memorandum.

16. Whether a casual worker have a claim for regularization/absorption in job? Such proposition came up for consideration before the Apex Court in Uma Devi [2006 (4) S.C.C. 1] wherein claim of casual workers for regularization or absorption was declined. It is expedient to reproduce the law laid by the Apex Court, which is extracted thus:

"Thus it is clear that adherences to the rule of equality in public employment is a basic feature of our Constitution and since rule of law is the core of our Constitution a court would certainly be disabled from passing an order upholding a violation of Article 14 or in ordering the overlooking of the need to comply with the requirements of Articles 14 read with Article 16 of the Constitution. Therefore considering a scheme for public employment this court while laying down the law has necessarily to hold that unless appointment is in terms of the relevant rules and after a proper competition amongst qualified persons the same would not confer any right on the appointee. If it is a contractual appointment the appointment comes to an end at the end of the contract if it were an engagement or appointment on daily wages or casual basis the same would come to an end when it is discontinued. Similarly a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment he would not be entitled to be absorbed in regular service or made permanent merely on the strength of such continuance if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the court to prevent regular recruitment at the instance of temporary employees whose period of employment has come to an end or of ad hoc employees who by the very nature of their appointment do not acquire any right....."

"45. While directing that appointments temporary or casual be regularized or made permanent the courts are swayed by the fact that the person concerned has worked for some time and in some cases for a considerable length of time. It is not as if the person who accepts an management either temporary or casual in nature is not aware of the nature of his employment. He accepts the employment with open eyes. It may be true that he is not in a position to bargain-not at arm's length-since he might have been searching for some employment so as to eke out his livelihood and accepts whatever he gets. But on that ground alone it would not be appropriate to jettison the constitutional scheme of appointment and to take the view that a person who has temporarily or casually got employed should be directed to be continued permanently. By doing so it will be creating another mode of public appointment which is not permissible. If the court were to void a contractual employment of this nature on the ground that the parties were not having equal bargaining power that too would not enable the court to grant any relief to that employee. A total embargo on such casual or temporary employment is not possible, given the exigencies of administration and if imposed would only mean that some people who at least get employment temporarily contractually or casually would not be getting even that employment when securing of such employment brings at least some succour to them. After all innumerable citizens of our vast country are in search of employment and one is not compelled to accept a casual or temporary employment if one is not inclined to go in for such an employment. It is in that context that one has to proceed on the basis that the employment was accepted fully knowing the nature of it and the consequences flowing from it. In other words even while accepting the employment the person concerned knows the nature of his employment. It is not an appointment to a post in the real sense of the term. The claim acquired by him in the post in which he is temporarily employed or the interest in that post cannot be considered to be of such a magnitude as to enable the giving up of the procedure established for making regular appointments to available posts in the services of the State. The argument that since one has been working for some time in the post, it will not be just to discontinue him even though he was aware of the nature of the employment when he first took it up is not (sic) one that would enable the jettisoning of the procedure established by law for public employment and would have to fall when tested on the touchstone of constitutionality and equality of opportunity enshrined in Article 14 of the Constitution."

17. In *P. Chandra Shekhara Rao and Others* [2006 (7) SCC 488] the Apex Court referred *Uma Devi's Case* (Supra) with approval. It also relied the decision in *Uma Rani* [2004 (7) SCC 112] and ruled that no regularization is permissible in exercise of statutory powers conferred in Article 162 of the Constitution, if the appointments have been made in contravention of the statutory rules. In *Somveer Singh* [2006 (5) SCC 493] the Apex Court ruled that appointment made without following due procedure cannot be regularized. In *Indian Drugs & Pharmaceuticals Ltd.* [2007 (1) SCC 408] the Apex Court reiterated the law and announced that the rules of recruitment can not be relaxed and court can not direct regularisation of temporary employees dehors the rules, nor can it direct continuation of service of a temporary employee (whether called a casual, ad-hoc or daily rated employee) or payment of regular salaries to them.

18. The Apex Court had to consider those very propositions in *Daya Nand and others* [2008 (10) SCC 1] wherein the above proposition was reaffirmed. The court ruled as follows:

"68. The above noted judgments and orders encouraged the political set-up and bureaucracy to violate the soul of Articles 14 and 16 as also the provisions contained in the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 with impunity and the spoils system which prevailed in the United States of America in the sixteenth and seventeenth centuries got a firm foothold in this country. Thousands of persons were employed/engaged throughout the length and breadth of the country by backdoor methods. Those who could pull strings in the power corridors at the higher and lower levels managed to get the cake of public employment by trampling over the rights of other eligible and more meritorious persons registered with the Employment Exchanges. A huge illegal employment market developed in different parts of the country and rampant corruption afflicted the whole system. This was recognized by the Court in *Delhi Development Horticulture Employees' Union v. Delhi Admn.* in the following words (SCC pp. 111-12 page 23).

"23. Apart from the fact that the petitioners cannot be directed to be regularized for the reasons given above we may take note of the pernicious consequences to which the direction for regularization of workman on the only ground that they have put in work for 240 or more days has been leading. Although there is an Employment Exchange Act which requires recruitment on the basis of registration in the Employment Exchange it has become a common practice to ignore the Employment Exchange and the persons registered in the

Employment Exchanges and to employ and get employed directly those who are either not registered with the Employment Exchange or who though registered are lower in the long waiting list in the employment register. The courts can take judicial notice of the fact that such employment is sought and given directly for various illegal considerations including money. The employment is given first for temporary periods with technical breaks to circumvent the relevant rules and is continued for 240 or more days with a view to give the benefit of regularization knowing the judicial trend that those who have completed 240 or more days are directed to be automatically regularized. A good deal of illegal employment market has developed resulting in a new source of corruption and frustration of those who are waiting at the Employment Exchanges for years. Not all those who gain such backdoor entry in the employment are in need of the particular jobs. Though already employed elsewhere, they join the jobs for better and secured prospects. That is why most of the cases which come to the courts are of employment in government departments, public undertakings or agencies. Ultimately it is the people who bear the heavy burden of the surplus labour. The other equally injurious effect of indiscriminate regularisation has been that many of the agencies have stopped undertaking casual or temporary works though they are urgent and essential for fear that if those who are employed on such works are required to be continued for 240 or more days they have to be absorbed as regular employees although the works are time-bound and there is no need of the workmen beyond the completion of the works undertaken. The public interests as thus jeopardized on both counts."

19. In subsequent sections of the judgment the court declined the request for absorption of casual employees. It ruled thus:

"116. In our opinion any direction by the court for absorption of all company-paid staff would be detrimental to public interest in more than on ways. Firstly, it will compel the Government to abandon the policy decision of reducing the direct recruitment to various services. Secondly this will be virtual abrogation of the statutory rules which envisage appointment to different cadres by direct recruitment."

20. At the cost of repetition it is said that the claimant was engaged on casual basis as a labour. Rules of recruitment were not followed. Procedure established for making regular appointment was not adhered to when claimant was engaged on casual basis. It has also not been shown that the claimant has not crossed upper-age limit at the time when he was initially engaged on casual basis. Therefore absorption of the claimant would amount to degradation of established procedure for making

regular appointments to available posts. Under these circumstances, I do not find it to be a case where the management should be commanded to absorb the claimant on the post on which he is working since long.

21. Shri Farrukh projects that the Apex Court and no occasion to consider provisions of the Act, in the precedents referred above. He agitates that this Tribunal exercises a larger jurisdiction in the matter of industrial adjudication than the constitutional courts. According to him this Tribunal should command the management to absorb the claimant on the post, so that unfair labour practice adopted by the former may discontinue. Admittedly employing a workman as badli, casual or temporary and to continue him as such for years with the object of depriving him of the status and privilege of permanent workman amounts to unfair labour practice. To term act of the management as an unfair labour practice following ingredients are to be satisfied:

- (1) to employ a workman as badli, casual or temporary, and
- (2) to continue him as such for years,
- (3) such continuance should be with an object of depriving him the status and privilege of permanent workman.

22. Whether continuance of the claimant as casual employee for years is with an object of depriving him status and privilege of a permanent workman? For an answer it is incumbent upon the claimant to show that there were vacancies available with the management and despite availability of vacancies he has been continued as such for years and that too with a view to deprive him status and privilege of a permanent employee. Unfortunately the claimant failed to discharge onus resting on him. A feeble attempt was made on his behalf to show that one post of Farash and three posts of Security Guards are lying vacant with the management. Neither the claimant works as a Farash nor as a Security Guard. A Farash performs duties of sweeping and analogous menial jobs while a security guard performs watch and ward duties. A casual labour performs sundry casual jobs. Therefore it cannot be said that a post of casual labour is lying vacant with the management and with a view to deprive him status and privilege of a permanent employee, he has been continued as an casual employee for years together. Consequently the claimant has not been able to establish that an unfair labour practice was being adopted and the management was under an obligation to purge the mischief. Therefore on facts claimant has not been able to substantiate a case to argue that unfair labour practice was being committed by the management.

23. Undoubtedly this Tribunal has power to adjudicate industrial dispute and in that process it has a right to consider whether a workman was employed as badli, casual or temporary and continued as such for years with a view to deprive him status and privilege of a

permanent workman. While adjudicating so this Tribunal may command the management to stop unfair labour practice and accord status and privilege of a permanent employee to the workman who was engaged as badil, casual or temporary and continued as such for years together. While making such an adjudication the Tribunal cannot be oblivious to the proposition that engagement of such an employee was in consonance with the recruitment rules or violative of the policy of recruitment in Government job. It has also to take into account as to whether the casual workman was satisfying legitimate criteria for recruitment to the post when he was initially engaged for it. In case workman does not come up to the expectation provided in the recruitment rules and entered in the job through backdoor in that situation this Tribunal may refuse to accord status and privilege of permanent employee to such a workman. Therefore contention advanced by Shri Farrukh that this Tribunal had adjudicatory powers under the Act would not put the claimant to a better pedestal than one where he is placed. Industrial adjudicator would not give a go by to the policy of recruitment on government job to answer a dispute in favour of a claimant who is beneficiary of fraudulent system of employment or a back-door appointee. An industrial adjudicator will not compel the public authorities to act in violations of provisions of constitution other statutes and recruitment rules formulated under Article 309 of the constitution. Therefore it is concluded that contention advanced by Shri Farrukh would not being any accolade for the claimant.

24. There is other fact of coin. The claimant has not been able to show that a vacancy was in existence with the management for regularization of his service. When there does not exist a post, against which the claimant can be regularized/absorbed, this Tribunal would not enter into an exercise of commanding the Government to create a post for him. Creation of post involves financial implication. It is the administrative function of the Government to create a post and Courts/Tribunal are to exercise restraints in commanding the Government for creation of a post to absorb a casual employee against it. Even otherwise for commanding the Government for creation of a post, the Tribunal had to consider long duration of work, extent to which it is available number of permanent workmen employed to discharge such jobs, financial viability of the institution in which the post is to be created and expediency of creation of such a post. None of these factors exist in the controversy under reference. Therefore this tribunal cannot proceed to command the Government to create a post for absorption of the claimant against it. All these circumstances make it clear that the demand raised by the union for regularization of the services of the claimant w.e.f. 27-11-95 is neither legal nor justified.

25. Though demand of the union for regularization of the service of the claimant is found not to be justified yet there are certain factors which persuade me not to leave

the matter at this juncture. Reasons for the same are traceable in office memorandum No. 49014/2/86-Estt. (C) dated 7th June, 1988. It has been provided therein that when nature of work entrusted to casual workers and regular employees is the same, the casual workers may be paid @ 1/30th of the pay at the minimum of the relevant pay scale plus D.A. for the work of 8 hours a day. Shri S. K. Meena concedes that job performed by the workman is of perennial in nature. Confidential documents/files are not placed in his hand, except that he is performing all functions performed and entrusted to a regular employee. Therefore it is evident that the claimant performs jobs which are performed by a regular employee of his category. The claimant swears in his affidavit that he is being paid lesser remuneration than regular employees of his category. Therefore, the Tribunal had to embark upon social and economic justice to reach ultimate decision of industrial adjudication.

26. Social justice is not based on contractual relations and not to be enforced on principles of contract of service. It is something outside these principles and is invoked to do justice without a contract to back it, commanded the Apex Court in *Rashtrya Mazdoor Sangh [1960 (II) L.L.J. 263]*. In *Ahmedabad Mfg. and Calico Printing Co. Ltd. [1972 (II) LLJ 165]* Justice Dua, speaking for the Supreme Court observed:

"This concept of social justice has a comprehensive sweep and it is neither pedantic nor one-sided but is founded on socio-economic equality. It demands a realistic and pragmatic approach for resolving the controversy between capital and labour by weighing it on an even scale with the consciousness that industrial operations in modern times have become complex and complicated and for the efficient and successful functioning of an industry various amenities for those working in it are deemed as essential for a peaceful and healthy atmosphere."

27. An industrial adjudicator cannot and should not ignore claims of social justice. It has to resolve conflicting claims of employer and employees by finding not one sided but a fair and just solution. Reference can be made to the precedent in *Indian Oxygen Ltd. [1969 (I) LLJ 235]*. Therefore, with a view to do social justice this Tribunal has to command the management to grant wages to the claimant in pursuance of the aforesaid office memorandum. His wages should be at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus D. A. applicable to a regular employee of his category for 8 hours a day, since the date of his reinstatement in service in pursuance of the award Ex. WW1/6. His difference of wages shall be paid within a period of three months from the date when the award becomes operative. An award is accordingly passed.

Dated: 30-9-2010

Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2010

का.आ. 2860.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. एस. एन. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अरनाकुलम के पंचाट (संदर्भ संख्या 27/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-2010 को प्राप्त हुआ था।

[सं. एल-40012/17/2007-आईआर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 21st October, 2010

S.O. 2860.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No 27/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BSNL and their workman, which was received by the Central Government on 21-10-2010.

[No. L-40012/17/2007-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

**Present: Shri. P. L. Norbert, B. A., LL.B.,
Presiding Officer**

(Tuesday, the 28th day of September, 2010/6th Ashinam,
1932)

I. D. No. 27/2007

Workman: R. Haridas,
Lakshmi Bhawan
Pandiparambu road,
Kannankulangara, Thrippunithura.

By Adv. Sri. G.D. Panicker.

Management: The Principal General Manager,
Telecom BSNL,
BSNL Bhawan,
Kalathiparambil Road, Ernakulam.

By Adv. Shri C. S. Ramanathan

This case coming up for hearing on 23-09-2010, this Tribunal- cum-Labour Court on 28-09-2010 passed the following.

AWARD

This is a reference made under Section 10 (1) (d) of Industrial Disputes Act. The reference is :—

“Whether the action of the management of BSNL in terminating the services of their workman, Shri. R. Haridas in the year 2003 is legal and justified? If not, to what relief the workman is entitled to?”

2. The facts of the case in brief are as follows :- According to the worker Sri. R. Haridas, he was working in Telecom, BSNL Bhawan, Ernakulam since 03-08-1991 as part Time Peon/Gardener as well as discharging the duties of caretaker in inspection quarters in Ernakulam. He had been working continuously from 1991 to 2003. He was paid salary by the management. Government of India had issued instructions in 1999 and 2000 to the management for converting casual part time labourers into full time casual labourers as well as accomodating/regularising such labourers. However the worker was denied regular employment in terms of the order of the government. The workman submitted a representation to the Principal General Manager, Ernakulam in 2002 to convert his part time employment into full time. There was no response. The management meanwhile insisted the worker to enter into a contract with management if some employment is required. Since the workman was in need of some job to look after his family and his wife, who was suffering from cancer, he had no other alternative than to concede to the demand of the management. The employees similar to the worker were regularised in service. In the above circumstances the workman approached High Court in OP in which the management was directed to consider the representation of the workman and pass necessary orders. However the management instead of considering his representation favourably, denied work from 23-07-2003. Hence the workman filed another OP before High Court. However for want of records the OP was disposed off without prejudice to the right of the workman to move appropriate forums for necessary reliefs and thus the present dispute was raised by the workman. The termination is illegal and he is liable to be reinstated with full back wages and continuity of service. He is also entitled to be regularised in service.

3. According to the management the claimant is not a workman as defined under ID Act. Hence the dispute is not maintainable. The claimant had filed two writ petitions before High Court. He was not given any relief by the High Court except to get his representation disposed off by the management. It is not true to say that the worker was employed from 03-08-1991 as Part time Peon or Gardener or Caretaker. In 1991 he was aged only 17 years and there was no possibility for employing him in management at that age. The management had engaged him as contract labourer for doing some garden work including purchase of manure, plants, pots, soil, grass etc. and as caretaker of inspection quarters. He had been doing this work under various contractors and for sometime he had taken the contract by himself. Being a contract employee he is not entitled to the benefit of a casual labourer or regular labourer. The management had prepared a list of eligible casual labourers

for the purpose of absorption. However the claimant being only a contract employee he was not eligible to be considered for absorption. In 2002 he had applied for the post of driver. His application was rejected. Then the present dispute was raised. It is not correct to say that he was forced to enter into a contract with management. The representation of the workman was considered by the management and was rejected. The management is not bound to maintain records beyond prescribed periods. After such periods the records are destroyed. After the period of contract, the contract labour had to vacate the place of work with all his articles and there is no need for denying employment to him. It is not correct to say that the management had denied employment to him from 23-07-2003. The claim is liable to be dismissed.

4. In the light of the above contentions the following points arise for consideration.

1. Is the reference maintainable?
2. Is there a termination of service. If so, is it legal?
3. Is the contract sham?
4. To what reliefs the workman is entitled?

5. The evidence consists of the oral testimony of Ww1 to 3 and documentary evidence of Exts. W1 to 26 on the side of the worker and MW1 and Exts. M1 to M-13 on the side of the management.

6. **Point No.1** :— The dispute is raised by the worker. He claims to be a Part-time Peon/Gardener and Caretaker of the Inspection Quarters of BSNL at Ernakulam. According to his he was working since 1991 in the above capacity in the management. On 23-07-2003 his services were terminated by the management without complying with the provisions of Industrial Disputes Act. The management denies the status of the worker that he was a part-time employee of the management. According to them he was only a contract labourer working under different contractors and for sometime he himself took up the contract. Hence the management contends that there is no termination of service, but the service came to an end when the contract period came to an end. It is contended that no individual workman can raise a dispute by himself. He has to do it either through union or through a substantial number of workmen. The learned counsel for the management to support this contention has produced a copy of award of this court in ID 4/2008 in which several decisions of Hon'ble Supreme Court were referred in respect of the issue whether an individual workman can raise a dispute without the juncture of either union or a group of workmen. But in the above ID the issue was regarding regularisation of service of a part-time sweeper working in the Telecom centre, Paripally, which dispute could be raised only through a union or a number of workmen. There was no termination of service and it was not under challenge in

that case. Therefore that case has no application to the facts of this case. This is a case of termination which squarely falls under S.2-A of Industrial Disputes Act which provides that an individual workman can raise a dispute with regard to discharge, dismissal, retrenchment or any termination of service of an individual workman and such dispute shall be deemed to be an industrial dispute notwithstanding that no other workman or union is a party to the dispute. That answers the doubt raised by the management. The worker is competent to raise a dispute by himself and it is an industrial dispute within the meaning of S. 2(K) of ID Act and hence the reference is maintainable.

7. **Point No. 2** :— The termination of service of the claimant itself is in dispute. According to the claimant he was a part-time peon and gardener in the office of PRO and caretaker in the Inspection Quarters at Ernakulam. The management contend that he was only a contract worker engaged as gardener and caretaker. Hence there is no termination of service, but automatic end of service at the end of contract period.

8. The worker was examined as WW1. He admits in the cross examination that he was not given any appointment order by the management. He also admits that he was not given a casual labour employment card. To a specific question in the cross examination by the management counsel —are not casual mazdoors given a casual labour employment card, his answer was that he had not received the same. But he does not deny that such cards issued to casual labourers. Exts. W3 and 6 are such employment cards issued to one N. K. Surendran and N.K. Chandran. They were casual labourers. The first worker was appointed on 23-01-1984 and the 2nd, on 17-08-1983. The details of period of service and total number of days of service are recorded in the employment cards. It is signed by the Public Relations Officer. Though the claimant has a case that he has been working continuously for more than 240 days almost every year from 1991 to 2003 yet he did not receive an employment card unlike other similar employees. The worker has to explain why he had not demanded such a card. But no explanation is forthcoming.

9. The mode of payment to casual labourer is said to be on the basis of ACG-17 receipts submitted by the worker and ACE-2 (Imprest Bill) prepared by the concerned officer and passed by the passing officer. But according to the management casual workers are paid through muster roll and not on the basis of ACG-17 receipts. However for small work of a limited period payments are made on the basis of ACG-17 receipts. But whatever be the mode of payment the worker is bound to show that he was paid by the management. Ext. W7 are ACE-2 Imprest bills. But none of them relate to the worker. Though the learned counsel for the worker claims that page 1 and 34 of Ext. W7 relate to the worker, they in fact refer to payments made to M/s. Hari & Co. and M/s. Lekshmi and Co. and not to the

worker. It may be true that the worker was engaged by those concerns. But it is contended in para 19 of the claim statement that the management had required the worker to receive payment, for the work done by him, only on behalf of Hari & Co. But there is no evidence to substantiate this contention of the worker. Ext.W8 are ACE-2 bills and ACG-17 vouchers. But in none of the bills and vouchers the name of the worker figure. Among them there are original ACG-17 vouchers. It is not known how the worker came in possession of the original vouchers which are supposed to be with the management. Though he was able to produce the original vouchers concerning other persons, no voucher signed by him could be produced. Ext.W9 is a certificate issued to the worker by the Divisional Engineer. The genuineness of the certificate is disputed by the management. The certificate is to the effect that the claimant was carrying out various duties pertaining to Caretaker at SRM Road, Telephone Exchange, Inspection Quarters from 1999 onwards and his performance has been very good. The certificate is dated 01-04-2002. But it contains only the designation seal of Divisional Engineer and no office seal. It is not possible to discern from Ext.W9 whether he was employed as casual labourer or permanent labourer or as contract labourer. Ext.W10 is a magazine of the Telecom, SSA, Ernakulam which contains a write up about the worker. The honesty of worker in returning a gold bangle to an officer of BSNL who had forgotten it while checking out the quarters, is appreciated and he is complimented, more so because he was only a contract worker. Ext.W11 are ACG-17 vouchers (3 in number). But they relate to some other workers and are produced to show that there is no endorsement on the reverse side of ACG-17 and not signed by any witness unlike argued by the learned counsel for the management. It is to be noted that the concerned worker submits ACG-17 receipt to the department and it is passed by the concerned officer of the department for payment and it is attested by a witness, as can be seen from Ext.W8 ACG-17 receipts. Ext.W-12 and 18 are ACE-2 bills. They show that on 02-11-1991 and 01-12-1991 cash of Rs. 400 each was paid to the worker by the management. In Ext.W-12 bills there is no signature of PRO and the last column is not filled. In Ext.W-18 though the signature of PRO is seen at the bottom the last column is not filled. Whereas in Ext.W7 ACE-2 imprest bills contain signature and designation seal of PRO and allocation and details of estimate in the last column. There are several such imprest bills in Ext.W7. But in Ext.W-12 and 18 these are absent. Hence genuineness of Ext.W12 and 18 are challenged by the management. The contention therefore of the management is not without force. On the basis of Ext.W12 and 18 alone without corroboration it is not possible to hold that the worker was a part time casual employee of the management. The details of preparation and submission of ACG-17 receipts and ACE-2 imprest bills and the procedure for payment of the wages are mentioned in detail in para 7 of the written statement of the management.

10. It was submitted by the learned counsel for the worker that ACG-17 vouchers and ACE-2 imprest bills for the period from 1991 to 2001 were called for as per the Order in IA 11-A/2008. But the reply affidavit of the management was that all such documents were destroyed after a period of 3 years as per destruction rules. Destruction rules regarding records of accounts are contained in swamy's compilation of Post and Telegraphs Financial hand Book Volume I-General, 10th Edition, appendix-5, page 378-391. As per Annexure-A 1. General (of Appendix-5), item No.2 receipts have to be retained for a period of 3 years; item No. 15 receipts and invoices with the exception of those under dispute 3 years; item No. 24 register of destruction of account records permanently; item No. 25 contingent sub-vouchers 3 years and item No. 33 register of destruction of records permanently. As per Vol. III Appendix 3 item No. 17 all vouchers, contingencies, work charges and recoupment bills of (a) Divisional Telephone District and Stores and Factories Accounts Offices, (b) Stores Branch and (c) Telecom Factories are to be retained for a period of three years. The learned counsel for the worker submits that in OP 23722/2003 the management had contended that the imprest bills for the period prior to 2000 were destroyed. Ext.W2 is the judgment in the writ OP. However even the records of 2001 are not produced before this court. In answer to the interrogatories the management replied that vouchers, contingencies, work charges and recoupment bills are to be retained only for 3 years, that Destruction Register cannot be traced out being old record and that the Register of imprest bills were forwarded to record room. Hence the learned counsel argued that the management is deliberately suppressing documents to deny employment to the worker. Had the documents been produced they would have shown that the worker was employed as a casual labourer. MW1 the Divisional Engineer of the management admitted in the cross examination (page 4) that payment to casual worker is made on the basis of ACG-17 receipts. However it is to be noted that the production documents called for becomes unnecessary, even if they are available with the management, in view of Ext.W13 (P3 (3)).

11. Ext. M-13 is OP filed by the worker in the High Court. Among the documents exhibited in OP Ext.P3 is a copy of application submitted by the worker to the management for the post of driver. In page 3 of the application in the Annexure it is mentioned as follows "Now I am working as "Care Taker" on contract basis at Telephone Exchange S.R.M., Inspection Quarters, Ernakulam from 1998 to till date". The OP was filed on 24-07-2003. In view of this clear admission by the worker himself it is unnecessary to probe into the status of the worker in the management from 1998 onwards. The prayer in OP was to appoint him to the post of full time labourer after converting his post as part-time casual labourer and also to regularise him in service. It is alleged in para 11 of the OP that his services

were terminated w.e.f. 23-07-2003. At a time when the termination was challenged in OP the very document produced therein revealed that he was only a contract labourer. However the learned counsel for the worker strained to submit that the work of caretaker was besides his work as part-time peon in the office of PRO. The submission has no merits as the post of driver carried no preference to contract workers. If in fact the worker was a casual part time peon/gardener there was no point in suppressing that fact in Ext.P3 application because the records of the management would show the real status of the worker. If the main work of the claimant was that of a part-time peon, definitely he would have shown his status as part-time peon in the application instead of care taker contract worker. Ext.M13 (P3(3) undoubtedly shows that the claimant was only a contract labourer from 1998 till the date of application in 2002. There is no need to examine any other record to know his status in the service of the management than his own admission.

12. WW2 is a retired Chief General Manager. He was General Manager of SSA, Ernakulam during 1994-96 June. According to the witness when he took charge as General Manager the claimant was already working there as part time gardener in General Manager's quarters and as Peon in PRO office. But in view of Ext.M-13 (P3(3) no amount of oral evidence can support the claim of part-time employee. WW2 cannot be more loyal than the worker himself. It was pointed out by the learned counsel for the management that the father of the worker was a driver of WW2 and hence WW2 is out for supporting the worker. In view of Ext.M13 (P3(3) no credence can be attached to the testimony of WW2.

WW3 is a driver in BSNL. He says that the worker was a gardener in General Manager's quarters and was working also in PRO office as a water boy, table cleaner, tea boy etc. from 1991 onwards and he was paid wages by PRO through ACG- 17 vouchers. He also said that the father of the worker was a co-worker. The testimony of WW3 carries no weight with regard to the status of worker in BSNL in the light of Ext.M-13 (P3(3).

MW1 Divisional Engineer has no doubt deposed that the worker was only a contract labourer and not a casual employee of the management. Ext.W-16 is order of Chief General Manager in pursuance to High Court direction in Ext.W1 judgment to consider and dispose of the representation of the worker for converting the part-time job to full time job. It was found by the Chief General Manager that worker was only a contract labourer and not a part-time casual labourer and his representation was rejected. Ext.W-20 to 26 are certificates and awards given to the father of the worker and they have no relevance to the issue pertaining to the employment of the worker. Again Ext.M 1 to 4 are concerning father of the worker, regarding his appointment and the

recommendation for the best worker award. They too have no relevance to the issue.

13. It was submitted by the learned counsel for the management that in 1991 there was no possibility for appointing the worker as part-time employee as he was aged only 17 years at that time. But if the argument of the learned counsel is accepted there is no explanation for appointing Sri. N.K. Surendran (casual labourer) in 1984 when he was only aged 17 years as per Ext.W3 casual labour card. However it is to be noted that as per S.2 (ii) of Child Labour (Prohibition And Regulation) Act, 1986, a 'child' is defined to be a person who has not completed his fourteenth year of age. S.3 of the Act prohibits employment of children in an industry mentioned in the Schedule Part A & B. Therefore there is no legal bar in employing a person aged 17 years. It was next submitted by the learned counsel for the management that since 1984 there was ban for recruitment of part time Mazdoors in the telecom department. Ext.M7 dated 22-06-1988 is a ban order against recruitment of casual labour. There reference is also made to ban order of 30-03-1985. Ext.M9 is a similar order dated 12-02-1999, but relaxing the ban to a limited extent. Ext.M-10 is yet another ban order dated 15-06-1999 relaxing the ban to a further extent. Whether there was ban order or not, the question is whether the worker was employed as casual labourer or not. There can be a situation in which by passing the ban order a person is employed as casual labourer due to oversight or negligence of an officer. But that cannot affect the person employed. Whether there is violation of the ban order is the concern of the department and it is an issue between the officer who appoints the person and the department. But in this case there is no evidence to show that the worker was employed as a part-time casual employee at any point of time, much less from 1998 onwards. The very case of the worker is that his services were orally terminated on 23-07-2003 while he was working as Part-time Peon/gardener. At the same time he admits in Ext.M-13 (P3(3) that he was only a contract worker from 1998 onwards. Even if he was a part-time casual labourer prior to 1998 the question is he had been so thereafter at any time and especially in 2003 when he says that his services were terminated. He has not questioned the denial of casual employment, if any, prior to 1998. The termination that is alleged is of 23-07-2003 only and not of any prior date. At the relevant point of time on 23-07-2003 he was only a contract labourer. If so, there is no question of termination of service by the principal employer. The engagement of contract labour comes to an end at the end of the period of contract and no element of termination arises in such a situation. Hence there cannot be any violation of the provisions of ID Act. Nothing is done by the management in stopping the service of the worker.

14. **Pont No. 3:**—It is argued by the learned counsel for the worker that the so-called contract is a sham contract

- M2 - Appointment order issued to Shri. M. Ramachandran, father of the worker by WW2 dated 03-01-1975.
- M3 - Confirmation order issued to Shri. M. Ramachandran, confirming him as Driver by WW2 on 01-03-1977.
- M4 - Copy of recommendation issued to Shri. M. Ramachandran, by WW2 selecting him as best worker for cash award.
- M5 - Copy of order of the department regarding absorption of Part-time labourers dt. 14-08-1984 and prohibiting further recruitment of part-time casual mazdoors.
- M6 - Clarification order of department regarding employment of part-time casual mazdoors.
- M7 - Ban order regarding recruitment of casual labour dt. 22-06-1988.
- M8 - Instruction of the department regarding granting of temporary status and regularisation scheme of casual labourers.
- M9 - Ban order regarding engagement of casual labourers dt. 12-12-1999.
- M10 - Ban order regarding engagement of casual labourers dt. 15-06-1999.
- M11 - Agreement between management and worker for taking up work as Caretaker of Inspection Quarters of the department.
- M12 - Similar agreement with M/s. V. C. Madhukumar.
- M13 - Copy of Writ OP 23722/2003 filed by the worker.

नई दिल्ली, 26 अक्टूबर, 2010

का.आ. 2861.—राष्ट्रपति, श्री काटके कानहु भौसाहेब, को 12-10-2010 (F.N.) से केन्द्रीय सरकार औद्योगिक न्यायधिकरण सह-श्रम न्यायालय संख्या-2, मुम्बई, के पीठासीन अधिकारी के रूप में 65 वर्ष की आयु पूरी होने अर्थात् 11-04-2015 तक अथवा अगले आदेशों तक, जो भी पहले हो, नियुक्त करती है।

[सं. ए-11016/7/2009-सीएलएस-II]

पी. के. ताम्रकर, अवर सचिव

New Delhi, the 26th October, 2010

S.O. 2861.—The President is pleased to appoint Shri Katak Kanh Bhusaheb as Presiding Officer of the Central Government Industrial Tribunal -cum-Labour Court No. 2, Mumbai w.e.f. 12-10-2010 (F.N.) for a period upto 11-04-2015 i.e. till attaining the age of 65 years or until further orders, whichever is earlier.

[No. A-11016/7/2009-CLS-II]

P. K. TAMRAKAR, Under Secy.

नई दिल्ली, 27 अक्टूबर, 2010

का.आ. 2862.—जबकि मैसर्स अपेक्स कांटीनेंटल लिमिटेड [इससे पूर्व इंडस्ट्रियल एण्ड एलाइड सेल्स प्रा. लि. के नाम से विख्यात] [कोड संख्या डीएल/3155 दिल्ली (उत्तर) क्षेत्र] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) को कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 17 (1) (क) के अंतर्गत दिनांक 01-09-1979 से छूट प्रदान करते हुए भारत के राजपत्र में दिनांक 01-09-1979 की अधिसूचना प्रकाशित की गयी थी।

2. जबकि इस प्रतिष्ठान ने कर्मचारी भविष्य निधि योजना, 1952 के पैरा 27-क के परिशिष्ट-क में वर्णित छूट की शर्तों का उल्लंघन किया है और जिसके द्वारा कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत भारत सरकार द्वारा प्रदान की गई छूट रद्द करने योग्य है।

3. जबकि मैसर्स अपेक्स कांटीनेंटल लिमिटेड को दिनांक 19-07-2010 का कारण बताओ नोटिस उक्त नोटिस प्राप्त होने के 15 दिन के अंदर अपना मामला प्रस्तुत करने हेतु एक अवसर प्रदान करते हुए जारी किया गया था। यह प्रतिष्ठान आदिनांक अपना उत्तर भेजने तथा अपनी स्थिति स्पष्ट करने में असफल रहा है।

4. अतः अब केन्द्र सरकार उक्त अधिनियम की धारा 17 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा उक्त प्रतिष्ठान को दी गई छूट को तत्काल प्रभाव से रद्द करती है।

[सं. एस-35017/13/2010-एस एस-II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 27th October, 2010

S.O. 2862.—Whereas a notification dated 01-09-1979 granting exemption w.e.f. 01-09-1979 under section 17 (1) (a) of the Employees' Provident Funds and Miscellaneous Act 1952 to M/s. Apex Continental Limited [earlier known as Industrial & Allied Sales Pvt. Ltd. [under Code No. DI/3155 Delhi (North) region] (hereinafter referred to as the establishment) was published in the Gazette of India.

2. Whereas the establishment has violated the conditions of exemption delineated in Appendix-A of Para 27 AA of the Employees' Provident Funds Scheme, 1952 and thereby deserves the cancellation of exemption granted by Government of India under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

3. Whereas a Show Cause Notice dated 19-07-2010 was issued to M/s Apex Continental Limited giving them an opportunity to present their case within 15 days of receipt of the notice. The establishment has failed to send any reply and explain their position till date.

4. Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 17 of the said Act the Central Government hereby cancel the exemption granted to the said establishment with immediate effect.

[No. S-35017/13/2010-S. S.-II]

S. D. XAVIER, Under Secy.

नई दिल्ली, 27 अक्टूबर, 2010

का.आ. 2863.—जबकि मैसर्स इंडिया जूट कम्पनी लिमिटेड [कोड संख्या डब्ल्यू बी/9516,5135 थाणे क्षेत्र] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) को कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 17 (1) (क) के अंतर्गत दिनांक 01-11-1952 से छूट प्रदान करते हुए भारत के राजपत्र में दिनांक 23-12-1961 की अधिसूचना प्रकाशित की गयी थी।

2. जबकि मैसर्स इंडिया जूट कम्पनी लिमिटेड ने कर्मचारी भविष्य निधि योजना, 1952 के पैरा 27-क के परिशिष्ट-क में वर्णित छूट की शर्तों का उल्लंघन किया है और जिसके द्वारा कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत भारत सरकार द्वारा प्रदान की गई छूट रद्द करने योग्य है।

3. जबकि मैसर्स इंडिया जूट कम्पनी लिमिटेड को दिनांक 06-07-2010 का कारण बताओ नोटिस उक्त नोटिस प्राप्त होने के 15 दिन के अंदर अपना मामला प्रस्तुत करने हेतु एक अवसर प्रदान करते हुए जारी किया गया था। यह प्रतिष्ठान आदिनांक अपना उत्तर भेजने तथा अपनी स्थिति स्पष्ट करने में असफल रहा है।

4. अतः अब केन्द्र सरकार उक्त अधिनियम की धारा 17 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा

उक्त प्रतिष्ठान को दी गई छूट को तत्काल प्रभाव से रद्द करती है।

[सं. एस-35017/12/2010-एस एस II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 27th October, 2010

S.O. 2863.—Whereas a notification dated 23-12-1961 granting exemption w.e.f. 01-11-1952 under section 17 (1) (a) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) to M/s. India Jute Company Limited [under Code No. WB/9516,5135 Thane region] (hereinafter referred to as the establishment) was published in the Gazette of India.

2. Whereas M/s. India Jute Company Limited has violated the conditions of exemption delineated in Appendix-A of Para 27 AA of the Employees' Provident Funds Scheme, 1952 and thereby deserves the cancellation of exemption granted by Government of India under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

3. Whereas a Show Cause Notice dated 06-07-2010 was issued to M/s. India Jute Company Limited giving them an opportunity to present their case within 15 days of receipt of the notice. The establishment has failed to send any reply and explain their position till date.

4. Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 17 of the said Act the Central Government hereby cancel the exemption granted to the said establishment with immediate effect.

[No. S-35017/12/2010-S. S.-II]

S. D. XAVIER, Under Secy.